

# Senate Study Bill 1092

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY  
CO=CHAIRPERSONS KREIMAN  
and MILLER)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to statutory corrections which may adjust  
2 language to reflect current practices, insert earlier  
3 omissions, delete redundancies and inaccuracies, delete  
4 temporary language, resolve inconsistencies and conflicts,  
5 update ongoing provisions, or remove ambiguities, and  
6 including effective and retroactive applicability date  
7 provisions.  
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
9 TLSB 1054SC 81  
10 lh/cf/24

PAG LIN

1 1 Section 1. Section 2B.5, subsection 3, Code 2005, is  
1 2 amended to read as follows:  
1 3 3. Cause to be published annually a correct list of state  
1 4 officers and deputies; members of boards and commissions;  
1 5 justices of the supreme court, judges of the court of appeals,  
1 6 and judges of the district courts including district associate  
1 7 judges and judicial magistrates; and members of the general  
1 8 assembly. ~~The offices office of the governor and secretary of~~  
~~1 9 state shall cooperate in the preparation of the list.~~  
1 10 Sec. 2. Section 2B.12, subsection 8, Code 2005, is amended  
1 11 to read as follows:  
1 12 8. A Code or Code Supplement may include appropriate  
1 13 tables showing the disposition of Acts of the general  
1 14 assembly, ~~the corresponding sections from edition to edition~~  
~~1 15 of a Code or Code Supplement,~~ and other reference material as  
1 16 determined by the Iowa Code editor in accordance with policies  
1 17 of the legislative council.  
1 18 Sec. 3. Section 2B.17, subsection 2, Code 2005, is amended  
1 19 to read as follows:  
1 20 2. The Acts of each general assembly shall be known as  
1 21 "Acts of the .. General Assembly, .. Session, Chapter (or File  
1 22 No.) .., Section .." (inserting the appropriate numbers) and  
1 23 shall be cited as ".. Iowa Acts, chapter (or File No.)..,  
1 24 section .." (inserting the appropriate year, chapter or file  
~~1 25 number,~~ and section number).  
1 26 Sec. 4. Section 2C.13, Code 2005, is amended to read as  
1 27 follows:  
1 28 2C.13 NO INVESTIGATION == NOTICE TO COMPLAINANT.  
1 29 If the citizens' aide decides not to investigate, the  
1 30 complainant shall be informed of the reasons for the decision.  
1 31 If the citizens' aide decides to investigate, the complainant  
1 32 and the agency shall be notified of the decision. After  
1 33 completing consideration of a complaint, whether or not it has  
1 34 been investigated, the citizens' aide shall without delay  
1 35 inform the complainant of the fact, and if appropriate, shall  
2 1 inform the ~~administrative~~ agency involved. The citizens' aide  
2 2 shall on request of the complainant, and as appropriate,  
2 3 report the status of the investigation to the complainant.  
2 4 Sec. 5. Section 2C.14, Code 2005, is amended to read as  
2 5 follows:  
2 6 2C.14 INSTITUTIONALIZED COMPLAINANTS.  
2 7 A letter to the citizens' aide from a person in a  
2 8 correctional institution, a hospital, or other institution  
2 9 under the control of an ~~administrative~~ agency shall be  
2 10 immediately forwarded, unopened to the citizens' aide by the

2 11 institution where the writer of the letter is a resident. A  
2 12 letter from the citizens' aide to such a person shall be  
2 13 immediately delivered, unopened to the person.

2 14 Sec. 6. Section 2C.17, unnumbered paragraph 1, Code 2005,  
2 15 is amended to read as follows:

2 16 The citizens' aide may publish the conclusions,  
2 17 recommendations, and suggestions and transmit them to the  
2 18 governor, ~~or~~ the general assembly or any of its committees.  
2 19 When publishing an opinion adverse to an ~~administrative~~ agency  
2 20 or official the citizens' aide shall, unless excused by the  
2 21 agency or official affected, include with the opinion any  
2 22 unedited reply made by the agency.

2 23 Sec. 7. Section 3.3, Code 2005, is amended to read as  
2 24 follows:

2 25 3.3 HEADNOTES AND HISTORICAL REFERENCES.

2 26 Proper headnotes may be placed at the beginning of a  
2 27 section of a bill or a Code section, and at the end of ~~the a~~  
2 28 Code section there may be placed a reference to the section  
2 29 number of the Code, or any Iowa Act from which the matter of  
2 30 the ~~bill Code section~~ was taken, ~~but, However~~, except as  
2 31 provided in the uniform commercial code, section 554.1109,  
2 32 neither said headnotes nor said historical references shall be  
2 33 considered as a part of the law as enacted.

2 34 Sec. 8. Section 7A.27, unnumbered paragraph 2, Code 2005,  
2 35 is amended to read as follows:

3 1 When such publications, ~~except supplements to the Iowa~~  
3 2 ~~administrative code~~, paid for by public funds furnished by the  
3 3 state, contain reprints of statutes or rules, or both, they  
3 4 shall be sold and distributed at cost by the department  
3 5 ordering the publication if the cost per publication is one  
3 6 dollar or more, unless a central library or depository is  
3 7 established. Such publications shall be obtained from the  
3 8 director of the department of administrative services on  
3 9 requisition by the department ordering the publication, and  
3 10 the selling price, if any, shall be determined by the director  
3 11 of the department of administrative services by dividing the  
3 12 total cost of printing, paper, distribution, and binding by  
3 13 the number printed. The price shall be set at the nearest  
3 14 multiple of ten to the quotient thus obtained. Distribution  
3 15 of such publications shall be made by the director gratis to  
3 16 public officers, purchasers of licenses from state departments  
3 17 required by statute, and departments. Funds from the sale of  
3 18 such publications shall be deposited monthly in the general  
3 19 fund of the state except the cost of distribution shall be  
3 20 deposited in the printing revolving fund established in  
3 21 section 8A.345. This section does not apply to the printed  
3 22 versions of the official legal publications listed in section  
3 23 2A.5.

3 24 Sec. 9. Section 8A.205, subsection 2, paragraph a, Code  
3 25 2005, is amended to read as follows:

3 26 a. Establish standards, consistent with other state law,  
3 27 for the implementation of electronic commerce, including  
3 28 standards for ~~digital~~ electronic signatures, electronic  
3 29 currency, and other items associated with electronic commerce.

3 30 Sec. 10. Section 8A.316, subsection 1, Code 2005, is  
3 31 amended to read as follows:

3 32 1. ~~Revise~~ Develop its procedures and specifications for  
3 33 the purchase of lubricating oil and industrial oil to  
3 34 eliminate exclusion of recycled oils and any requirement that  
3 35 oils be manufactured from virgin materials.

4 1 Sec. 11. Section 9E.12, subsection 4, Code 2005, is  
4 2 amended to read as follows:

4 3 4. A certificate of a notarial act on an instrument to be  
4 4 recorded must also comply with the requirements of section  
4 5 ~~331.602, subsection 1~~ 331.606B.

4 6 Sec. 12. Section 12.82, subsection 4, paragraph d, Code  
4 7 2005, is amended to read as follows:

4 8 d. To assure the continued solvency of any bonds secured  
4 9 by the bond reserve fund, provision is made in paragraph ~~"a"~~  
4 10 "c" for the accumulation in each bond reserve fund of an  
4 11 amount equal to the bond reserve fund requirement for the  
4 12 fund. In order further to assure maintenance of the bond  
4 13 reserve funds, the treasurer shall, on or before January 1 of  
4 14 each calendar year, make and deliver to the governor the  
4 15 treasurer's certificate stating the sum, if any, required to  
4 16 restore each bond reserve fund to the bond reserve fund  
4 17 requirement for that fund. Within thirty days after the  
4 18 beginning of the session of the general assembly next  
4 19 following the delivery of the certificate, the governor shall  
4 20 submit to both houses printed copies of a budget including the  
4 21 sum, if any, required to restore each bond reserve fund to the

4 22 bond reserve fund requirement for that fund. Any sums  
4 23 appropriated by the general assembly and paid to the treasurer  
4 24 pursuant to this subsection shall be deposited by the  
4 25 treasurer in the applicable bond reserve fund.

4 26 Sec. 13. Section 13B.9, subsection 2, Code 2005, is  
4 27 amended to read as follows:

4 28 2. An attorney appointed under this section is not liable  
4 29 to a person represented by the attorney for damages as a  
4 30 result of a conviction in a criminal case unless the court  
4 31 determines in a postconviction proceeding or on direct appeal  
4 32 that the person's conviction resulted from ineffective  
4 33 assistance of counsel, and the ineffective assistance of  
4 34 counsel is the proximate cause of the damage. In juvenile or  
4 35 civil proceedings, an attorney appointed under this section is  
5 1 not liable to a person represented by the attorney for damages  
5 2 unless it has been determined that the attorney has provided  
5 3 ineffective assistance of counsel and the ineffective  
5 4 assistance of counsel ~~claim~~ is the proximate cause of the  
5 5 damage.

5 6 Sec. 14. Section 15.331C, Code 2005, is amended to read as  
5 7 follows:

5 8 15.331C CORPORATE TAX CREDIT FOR CERTAIN SALES TAXES PAID  
5 9 BY THIRD-PARTY DEVELOPER.

5 10 1. An eligible business or a supporting business may claim  
5 11 a corporate tax credit in an amount equal to the sales and use  
5 12 taxes paid by a third-party developer under ~~chapters 422 and~~  
5 13 chapter 423 for gas, electricity, water, or sewer utility  
5 14 services, goods, wares, or merchandise, or on services  
5 15 rendered, furnished, or performed to or for a contractor or  
5 16 subcontractor and used in the fulfillment of a written  
5 17 contract relating to the construction or equipping of a  
5 18 facility within the economic development area of the eligible  
5 19 business or supporting business. Taxes attributable to  
5 20 intangible property and furniture and furnishings shall not be  
5 21 included, but taxes attributable to racks, shelving, and  
5 22 conveyor equipment to be used in a warehouse or distribution  
5 23 center shall be included. Any credit in excess of the tax  
5 24 liability for the tax year may be credited to the tax  
5 25 liability for the following seven years or until depleted,  
5 26 whichever occurs earlier. An eligible business may elect to  
5 27 receive a refund of all or a portion of an unused tax credit.

5 28 2. A third-party developer shall state under oath, on  
5 29 forms provided by the department of economic development, the  
5 30 amount of taxes paid as described in subsection 1 and shall  
5 31 submit such forms to the department. The taxes paid shall be  
5 32 itemized to allow identification of the taxes attributable to  
5 33 racks, shelving, and conveyor equipment to be used in a  
5 34 warehouse or distribution center. After receiving the form  
5 35 from the third-party developer, the department shall issue a  
6 1 tax credit certificate to the eligible business or supporting  
6 2 business equal to the sales and use taxes paid by a third-  
6 3 party developer under ~~chapters 422 and chapter~~ 423 for gas,  
6 4 electricity, water, or sewer utility services, goods, wares,  
6 5 or merchandise, or on services rendered, furnished, or  
6 6 performed to or for a contractor or subcontractor and used in  
6 7 the fulfillment of a written contract relating to the  
6 8 construction or equipping of a facility. The department shall  
6 9 also issue a tax credit certificate to the eligible business  
6 10 or supporting business equal to the taxes paid and  
6 11 attributable to racks, shelving, and conveyor equipment to be  
6 12 used in a warehouse or distribution center. The aggregate  
6 13 combined total amount of tax refunds under section 15.331A for  
6 14 taxes attributable to racks, shelving, and conveyor equipment  
6 15 to be used in a warehouse or distribution center and of tax  
6 16 credit certificates issued by the department for the taxes  
6 17 paid and attributable to racks, shelving, and conveyor  
6 18 equipment to be used in a warehouse or distribution center  
6 19 shall not exceed five hundred thousand dollars in a fiscal  
6 20 year. If an applicant for a tax credit certificate does not  
6 21 receive a certificate for the taxes paid and attributable to  
6 22 racks, shelving, and conveyor equipment to be used in a  
6 23 warehouse or distribution center, the application shall be  
6 24 considered in succeeding fiscal years. The eligible business  
6 25 or supporting business shall not claim a tax credit under this  
6 26 section unless a tax credit certificate issued by the  
6 27 department of economic development is attached to the  
6 28 taxpayer's tax return for the tax year for which the tax  
6 29 credit is claimed. A tax credit certificate shall contain the  
6 30 eligible business's or supporting business's name, address,  
6 31 tax identification number, the amount of the tax credit, and  
6 32 other information required by the department of revenue.

6 33 Sec. 15. Section 22.1, subsection 3, Code 2005, is amended  
6 34 by adding the following new unnumbered paragraph:

6 35 NEW UNNUMBERED PARAGRAPH. "Public records" also includes  
7 1 all records relating to the investment of public funds  
7 2 including but not limited to investment policies,  
7 3 instructions, trading orders, or contracts, whether in the  
7 4 custody of the public body responsible for the public funds or  
7 5 a fiduciary or other third party.

7 6 Sec. 16. Section 22.7, subsection 38, paragraph a, Code  
7 7 2005, is amended to read as follows:

7 8 a. Records containing information that would disclose, or  
7 9 might lead to the disclosure of, private keys used in ~~a~~  
~~7 10 digital or an electronic~~ signature or other similar technologies  
7 11 as provided in chapter 554D.

7 12 Sec. 17. Section 28M.3, unnumbered paragraph 1, Code 2005,  
7 13 is amended to read as follows:

7 14 A regional transit district shall have all the rights,  
7 15 powers, and duties of a county enterprise pursuant to sections  
7 16 331.462 through 331.469 as they relate to the purpose for  
7 17 which the regional transit district is created, including the  
7 18 authority to issue revenue bonds for the establishment,  
7 19 construction, reconstruction, repair, equipping, remodeling,  
7 20 extension, maintenance, and operation of works, vehicles, and  
7 21 facilities of a regional transit district. In addition, a  
7 22 regional transit district, with the approval of the board of  
7 23 supervisors, may issue general obligation bonds as an  
7 24 essential county purpose pursuant to chapter 331, division IV,  
7 25 part 3, for the establishment, construction, reconstruction,  
7 26 repair, equipping, remodeling, extension, maintenance, and  
7 27 operation of works, vehicles, and facilities of a regional  
7 28 transit district. Such general obligation bonds are payable  
7 29 from the property tax levy authorized in section 28M.5.

7 30 Sec. 18. Section 48A.11, subsection 8, Code 2005, is  
7 31 amended to read as follows:

7 32 8. A voter registration application lacking the  
7 33 registrant's name, sex, date of birth, or residence address or  
7 34 description shall not be processed. A voter registration  
7 35 application lacking the registrant's Iowa driver's license  
8 1 number, Iowa nonoperator's identification card number, or the  
8 2 last four digits of the registrant's social security number  
8 3 shall not be processed. A registrant whose registration is  
8 4 not processed pursuant to this subsection shall be notified  
8 5 pursuant to section 48A.26, subsection 3. A registrant who  
8 6 does not have an Iowa driver's license number, an Iowa  
8 7 nonoperator's identification number, or a social security  
8 8 number and who notifies the registrar of such shall be  
8 9 assigned a unique identifying number that shall serve to  
8 10 identify the registrant for voter registration purposes.

8 11 Sec. 19. Section 48A.25A, unnumbered paragraph 1, Code  
8 12 2005, is amended to read as follows:

8 13 Upon receipt of an application for voter registration by  
8 14 mail, the state registrar of voters shall compare the Iowa  
8 15 driver's license number, the Iowa nonoperator's identification  
8 16 card number, or the last four numerals of the social security  
8 17 number provided by the registrant with the records of the  
8 18 state department of transportation. To be verified, the voter  
8 19 registration record shall contain the same name, date of  
8 20 birth, and Iowa driver's license number or Iowa nonoperator's  
8 21 identification card number or whole or partial social security  
8 22 number as the records of the state department of  
8 23 transportation. If the information cannot be verified, the  
8 24 application shall be rejected and the registrant shall be  
8 25 notified of the reason for the rejection. If the information  
8 26 can be verified, a record shall be made of the verification  
8 27 and the application shall be accepted.

8 28 Sec. 20. Section 48A.38, subsection 1, paragraph f, Code  
8 29 2005, is amended to read as follows:

8 30 f. The county commissioner of registration and the state  
8 31 registrar of voters shall remove a voter's whole or partial  
8 32 social security number, as applicable, Iowa driver's license  
8 33 number, or Iowa nonoperator's identification card number from  
8 34 a voter registration list prepared pursuant to this section.

8 35 Sec. 21. Section 50.20, Code 2005, is amended to read as  
9 1 follows:

9 2 50.20 NOTICE OF NUMBER OF PROVISIONAL BALLOTS.  
9 3 The commissioner shall compile a list of the number of  
9 4 provisional ballots cast under section 49.81 in each precinct.  
9 5 The list shall be made available to the public as soon as  
9 6 possible, but in no case later than nine o'clock a.m. on the  
9 7 second day following the election. Any elector may examine  
9 8 the list during normal office hours, and may also examine the

9 9 affidavit envelopes bearing the ballots of challenged electors  
9 10 until the reconvening of the special precinct board as  
9 11 required by this chapter. Only those persons so permitted by  
9 12 section 53.23, subsection 4, shall have access to the  
9 13 affidavits while that board is in session. Any elector may  
9 14 present written statements or documents, supporting or  
9 15 opposing the counting of any ~~special~~ provisional ballot, at  
9 16 the commissioner's office until the reconvening of the special  
9 17 precinct board.

9 18 Sec. 22. Section 50.22, unnumbered paragraphs 1 through 3,  
9 19 Coded 2005, are amended to read as follows:

9 20 Upon being reconvened, the special precinct election board  
9 21 shall review the information upon the envelopes bearing the  
9 22 ~~special~~ provisional ballots, and all evidence submitted in  
9 23 support of or opposition to the right of each challenged  
9 24 person to vote in the election. The board may divide itself  
9 25 into panels of not less than three members each in order to  
9 26 hear and determine two or more challenges simultaneously, but  
9 27 each panel shall meet the requirements of section 49.12 as  
9 28 regards political party affiliation of the members of each  
9 29 panel.

9 30 The decision to count or reject each ballot shall be made  
9 31 upon the basis of the information given on the envelope  
9 32 containing the ~~special~~ provisional ballot, the evidence  
9 33 concerning the challenge, the registration and the returned  
9 34 receipts of registration.

9 35 If a ~~special~~ provisional ballot is rejected, the person  
10 1 casting the ballot shall be notified by the commissioner  
10 2 within ten days of the reason for the rejection, on the form  
10 3 prescribed by the state commissioner pursuant to section  
10 4 53.25, and the envelope containing the ~~special~~ provisional  
10 5 ballot shall be preserved unopened and disposed of in the same  
10 6 manner as spoiled ballots. The ~~special~~ provisional ballots  
10 7 which are accepted shall be counted in the manner prescribed  
10 8 by section 53.24. The commissioner shall make public the  
10 9 number of ~~special~~ provisional ballots rejected and not  
10 10 counted, at the time of the canvass of the election.

10 11 Sec. 23. Section 53.23, subsections 5 and 6, Code 2005,  
10 12 are amended to read as follows:

10 13 5. The special precinct election board shall preserve the  
10 14 secrecy of all absentee and ~~special~~ provisional ballots.  
10 15 After the affidavits on the envelopes have been reviewed and  
10 16 the qualifications of the persons casting the ballots have  
10 17 been determined, those that have been accepted for counting  
10 18 shall be opened. The ballots shall be removed from the  
10 19 affidavit envelopes without being unfolded or examined, and  
10 20 then shall be thoroughly intermingled, after which they shall  
10 21 be unfolded and tabulated. If secrecy folders or envelopes  
10 22 are used with ~~special~~ provisional paper ballots, the ballots  
10 23 shall be removed from the secrecy folders after the ballots  
10 24 have been intermingled.

10 25 6. The special precinct election board shall not release  
10 26 the results of its tabulation on election day until all of the  
10 27 ballots it is required to count on that day have been counted,  
10 28 nor release the tabulation of ~~challenged~~ provisional ballots  
10 29 accepted and counted under chapter 50 until that count has  
10 30 been completed.

10 31 Sec. 24. Section 53.24, Code 2005, is amended to read as  
10 32 follows:

10 33 53.24 COUNTIES USING VOTING MACHINES.

10 34 In counties which provide the special precinct election  
10 35 board with voting machines, the absentee ballot envelopes  
11 1 shall be opened by the board and the ballots shall, without  
11 2 being unfolded, be thoroughly intermingled, after which they  
11 3 shall be unfolded and, under the personal supervision of  
11 4 precinct election officials of each of the political parties,  
11 5 be registered on voting machines the same as if the absent  
11 6 voter had been present and voted in person, except that a  
11 7 tally of the write-in votes may be kept in the tally list  
11 8 rather than on the machine. When two or more political  
11 9 subdivisions in the county are holding separate elections  
11 10 simultaneously, the commissioner may arrange the machine so  
11 11 that the absentee and ~~special~~ provisional ballots for more  
11 12 than one election may be recorded on the same machine.

11 13 Sec. 25. Section 53.31, unnumbered paragraph 2, Code 2005,  
11 14 is amended to read as follows:

11 15 The commissioner shall immediately send a written notice to  
11 16 the elector whose qualifications have been challenged. The  
11 17 notice shall be sent to the address at which the challenged  
11 18 elector is registered to vote. If the ballot was mailed to  
11 19 the challenged elector, the notice shall also be sent to the

11 20 address to which the ballot was mailed if it is different from  
11 21 the elector's registration address. The notice shall advise  
11 22 the elector of the reason for the challenge, the date and time  
11 23 that the special precinct election board will reconvene to  
11 24 determine challenges, and that the elector has the right to  
11 25 submit written evidence of the elector's qualifications. The  
11 26 notice shall include the telephone number of the  
11 27 commissioner's office. If the commissioner has access to a  
11 28 facsimile machine, the notice shall include the telephone  
11 29 number of the facsimile machine. As far as possible, other  
11 30 procedures for considering ~~special~~ provisional ballots shall  
11 31 be followed.

11 32 Sec. 26. Section 85.34, subsection 2, unnumbered paragraph  
11 33 2, Code 2005, is amended to read as follows:

11 34 v. If it is determined that an injury has produced a  
11 35 disability less than that specifically described in ~~said the~~  
12 1 schedule described in paragraphs "a" through "t", compensation  
12 2 shall be paid during the lesser number of weeks of disability  
12 3 determined, as will not exceed a total amount equal to the  
12 4 same percentage proportion of said scheduled maximum  
12 5 compensation.

12 6 Sec. 27. Section 97.51, subsection 1, paragraphs b and c,  
12 7 Code 2005, are amended to read as follows:

12 8 b. Under the direction of the ~~department system~~ and as  
12 9 designated by the ~~department system~~, invest such portion of  
12 10 said trust funds as are not needed for current payment of  
12 11 benefits, in interest-bearing securities issued by the United  
12 12 States, or interest-bearing bonds issued by the state of Iowa,  
12 13 or bonds issued by counties, school districts or general  
12 14 obligations or limited levy bonds issued by municipal  
12 15 corporations in this state as authorized by law; also to sell  
12 16 and dispose of same when needed for the payment of benefits.

12 17 c. To disburse the trust funds upon warrants drawn by the  
12 18 director of the department of administrative services pursuant  
12 19 to the order of the ~~Iowa public employees' retirement system~~  
12 20 ~~created in section 97B.1.~~

12 21 Sec. 28. Section 97.51, subsections 2, 3, 4, and 6, Code  
12 22 2005, are amended to read as follows:

12 23 2. All moneys which are paid or deposited into this fund  
12 24 are hereby appropriated and made available to the ~~department~~  
12 25 system to be used only for the purposes herein provided:

12 26 a. To be used by the ~~department system~~ for the payment of  
12 27 claims for benefits.

12 28 b. To be used by the ~~department system~~ for the payment in  
12 29 accordance with any agreement with the federal social security  
12 30 administration of amounts required to obtain retroactive  
12 31 federal social security coverage of Iowa public employees,  
12 32 dating from January 1, 1951, and for the payment of refunds  
12 33 which were authorized by the provisions of section 97.7, Code  
12 34 1950, and for the payment of such other refunds to employees  
12 35 as may be authorized by the general assembly, and such other  
13 1 purposes as may be authorized by the general assembly.

13 2 3. The ~~Iowa public employees' retirement system created in~~  
13 3 ~~section 97B.1~~ shall administer the Iowa old-age and survivors'  
13 4 insurance liquidation fund and shall also administer all other  
13 5 provisions of this chapter.

13 6 4. Any public employee subject to coverage under the  
13 7 provisions of chapter 97, Code 1950, as amended, in public  
13 8 service as of June 30, 1953, and who has not applied for and  
13 9 qualified for benefit payments under the provisions of chapter  
13 10 97, Code 1950, as amended, who had contributed to the Iowa  
13 11 old-age and survivors' insurance fund prior to the repeal of  
13 12 said chapter 97, as amended, shall be entitled to a refund of  
13 13 contributions paid into the Iowa old-age and survivors'  
13 14 insurance fund by such employee without interest, but there  
13 15 shall be deducted from the amount of any such refund any  
13 16 amount which has been or will be paid in the employee's behalf  
13 17 as the employee's contribution as an employee to obtain  
13 18 retroactive federal social security coverage. Any former  
13 19 public employee not in public service as of June 30, 1953, who  
13 20 has contributed to the Iowa old-age and survivors' insurance  
13 21 fund, the employee's beneficiaries or estate, when no benefit  
13 22 has been paid under chapter 97, Code 1950, based upon such  
13 23 employee's prior record, shall be entitled to a refund of  
13 24 seventy-five percent of all contributions paid by the employee  
13 25 into said fund, without interest. The ~~department system~~ shall  
13 26 prescribe rules in regard to the granting of such refunds. In  
13 27 the event of such refund any individual receiving the same  
13 28 shall be deemed to have waived any and all rights in behalf of  
13 29 the individual or any beneficiary or the individual's estate  
13 30 to further benefits under the provisions of chapter 97, Code

13 31 1950, as amended.

13 32 6. In the payment of any benefits in the future, as a  
13 33 result of the provisions of chapter 97, Code 1950, as amended,  
13 34 the ~~department system~~ shall follow the same procedure as  
13 35 provided by said chapter 97, as amended, as though said  
14 1 chapter had not been repealed, except the requirements of  
14 2 section 97.21, subsection 4, paragraph "a", and 97.21,  
14 3 subsection 5, shall not be applicable, but no primary benefit,  
14 4 based upon employment prior to June 30, 1953, shall be paid to  
14 5 any individual for any month during which the individual  
14 6 receives compensation for work in any position which would  
14 7 have been subject to coverage under the provisions of said  
14 8 chapter 97, as amended, if the individual's earnings for such  
14 9 month exceed one hundred dollars, nor shall any benefit be  
14 10 paid to a wife or dependent of such employee for such months,  
14 11 except that after a retired member reaches the age of seventy=  
14 12 two years, the member, the member's wife and dependents shall  
14 13 be entitled to the benefits of this chapter regardless of the  
14 14 amount earned.

14 15 Sec. 29. Section 97B.49C, subsection 1, paragraph c, Code  
14 16 2005, is amended to read as follows:

14 17 c. "Eligible service" means membership and prior service  
14 18 as a sheriff ~~and or~~ deputy sheriff under this section. In  
14 19 addition, eligible service includes membership and prior  
14 20 service as a marshal in a city not covered under chapter 400  
14 21 or a fire fighter or police officer of a city not  
14 22 participating in the retirement systems established in chapter  
14 23 410 or 411, and as an airport fire fighter prior to July 1,  
14 24 1994.

14 25 Sec. 30. Section 99B.7, subsection 3, paragraph a, Code  
14 26 2005, is amended to read as follows:

14 27 a. A person wishing to conduct games and raffles pursuant  
14 28 to this section as a qualified organization shall submit an  
14 29 application and a license fee of one hundred fifty dollars.  
14 30 The annual license fee for a statewide raffle license shall be  
14 31 one hundred fifty dollars. However, upon submission of an  
14 32 application accompanied by a license fee of fifteen dollars, a  
14 33 person may be issued a limited license to conduct all games  
14 34 and raffles pursuant to this section at a specified location  
14 35 and during a specified period of fourteen consecutive calendar  
15 1 days, except that a bingo occasion may only be conducted once  
15 2 per each seven consecutive calendar days of the specified  
15 3 period. In addition, a qualified organization may be issued a  
15 4 limited license to conduct raffles pursuant to this section  
15 5 for a period of ninety days for a license fee of forty dollars  
15 6 or for a period of one hundred eighty days for a license fee  
15 7 of seventy=five dollars. For the purposes of this paragraph,  
15 8 a limited license is deemed to be issued on the first day of  
15 9 the period for which the license is issued.

15 10 Sec. 31. Section 99D.24, subsection 3, Code 2005, is  
15 11 amended to read as follows:

15 12 3. A person wagering or accepting a wager at any location  
15 13 outside the ~~betting enclosure~~ wagering area is subject to the  
15 14 penalties in section 725.7.

15 15 Sec. 32. Section 135.144, subsection 11, Code 2005, is  
15 16 amended to read as follows:

15 17 11. If a public health disaster or other public health  
15 18 emergency situation exists which poses an imminent threat to  
15 19 the public health, safety, and welfare, the department, in  
15 20 conjunction with the governor, may provide financial  
15 21 assistance, from funds appropriated to the department that are  
15 22 not otherwise encumbered, to political subdivisions as needed  
15 23 to alleviate the disaster or the emergency. If the department  
15 24 does not have sufficient ~~encumbered~~ unencumbered funds, the  
15 25 governor may request that the executive council, pursuant to  
15 26 the authority of section 7D.29, commit sufficient funds, up to  
15 27 one million dollars, that are not otherwise encumbered from  
15 28 the general fund, as needed and available, for the disaster or  
15 29 the emergency. If additional financial assistance is required  
15 30 in excess of one million dollars, approval by the legislative  
15 31 council is also required.

15 32 Sec. 33. Section 136A.5, subsection 3, Code 2005, is  
15 33 amended to read as follows:

15 34 3. This section does not apply if ~~the~~ a parent objects to  
15 35 the screening. If a parent objects to the screening of a  
16 1 newborn, the attending health care provider shall document the  
16 2 refusal in the newborn's medical record and shall obtain a  
16 3 written refusal from the parent and report the refusal to the  
16 4 department as provided by rule of the department.

16 5 Sec. 34. Section 166.1, subsection 3, Code 2005, is  
16 6 amended to read as follows:

16 7 3. "Manufacturer" includes every person engaged in the  
16 8 preparation, at any stage of the process, of biological  
16 9 products, except those engaged in such preparation in the  
~~16 10 biological laboratory in the Iowa State University of science~~  
~~16 11 and technology, or in any other state or governmental~~  
16 12 institution.

16 13 Sec. 35. Section 174.15, Code 2005, is amended to read as  
16 14 follows:

16 15 174.15 PURCHASE AND MANAGEMENT.

16 16 Title to land purchased or received for purposes of  
16 17 conducting a fair event shall be taken in the name of the  
16 18 county or a fair. However, the board of supervisors shall  
16 19 place the land under the control and management of a fair.  
16 20 The fair may act as agent for the county in the erection of  
16 21 buildings, and maintenance of the fairgrounds, including the  
16 22 buildings and improvements constructed on the grounds. Title  
16 23 to new buildings or improvements shall be taken in the name of  
16 24 the county or a fair. However, the county is not liable for  
16 25 the improvements or expenditures for them.

16 26 Sec. 36. Section 225C.42, subsection 2, paragraph c, Code  
16 27 2005, is amended to read as follows:

16 28 c. An analysis of the extent to which payments enabled  
16 29 children to remain in their homes. The analysis shall include  
16 30 but is not limited to all of the following items concerning  
16 31 children affected by the payments: the number and percentage  
16 32 of children who remained with their families; the number and  
16 33 percentage of children who returned to their home from an out-  
16 34 of-home placement and the type of placement from which the  
16 35 children returned; and the number of children who received an  
17 1 out-of-home placement during the fiscal year period and the  
17 2 type of placement.

17 3 Sec. 37. Section 235A.15, subsection 2, paragraph d,  
17 4 subparagraph (3), Code 2005, is amended to read as follows:

17 5 (3) To a court or ~~administrative agency~~ the department  
17 6 hearing an appeal for correction of report data and  
17 7 disposition data as provided in section 235A.19.

17 8 Sec. 38. Section 257.11, subsection 4, paragraph c, Code  
17 9 2005, is amended by striking the paragraph.

17 10 Sec. 39. Section 284.12, subsections 2 and 4, Code 2005,  
17 11 are amended to read as follows:

17 12 2. The report shall be made available to the chairpersons  
17 13 and ranking members of the senate and house committees on  
17 14 education, ~~the legislative education accountability and~~  
~~17 15 oversight committee~~, the deans of the colleges of education at  
17 16 approved practitioner preparation institutions in this state,  
17 17 the state board, the governor, and school districts by January

17 18 1. School districts shall provide information as required by  
17 19 the department for the compilation of the report and for  
17 20 accounting and auditing purposes.

17 21 4. In developing administrative rules for consideration by  
17 22 the state board, the department shall consult with persons  
17 23 representing teachers, administrators, school boards, approved  
17 24 practitioner preparation institutions, and other appropriate  
17 25 education stakeholders, ~~and the legislative education~~  
~~17 26 accountability and oversight committee.~~

17 27 Sec. 40. Section 321.69, subsection 3, Code 2005, is  
17 28 amended to read as follows:

17 29 3. The damage disclosure statement shall be provided by  
17 30 the transferor to the transferee at or before the time of  
17 31 sale. If the transferor is not a resident of this state or if  
17 32 the transferee acquired the vehicle by operation of law as  
17 33 provided in section 321.47, the transferee shall not be  
17 34 required to submit a damage disclosure statement from the  
17 35 transferor with the transferee's application for title unless  
18 1 the state of the transferor's residence requires a damage  
18 2 disclosure statement. However, the transferee shall submit a  
18 3 damage disclosure statement with the transferee's application  
18 4 for title indicating whether a salvage, rebuilt, or flood  
18 5 title had ever existed for the vehicle, and, if not, whether  
18 6 the vehicle was damaged to the extent that it was a wrecked or  
18 7 salvage vehicle as defined in section 321.52, subsection 4,  
18 8 paragraph "d", during or prior to the transferor's ownership  
18 9 of the vehicle, and the year, make, and vehicle identification  
18 10 number of the motor vehicle. The transferee shall not be  
18 11 required to indicate whether the vehicle was damaged to the  
18 12 extent that it was a wrecked or salvage vehicle as defined in  
18 13 section 321.52, subsection 4, paragraph "d", under this  
18 14 subsection if the transferor's certificate of title is from  
18 15 another state and if it indicates that the vehicle is salvaged  
18 16 and not rebuilt or is another state's salvage certificate of  
18 17 title.

18 18 Sec. 41. Section 321.69, subsection 9, Code 2005, is  
18 19 amended to read as follows:  
18 20 9. Except for subsections 10 and 11, this section does not  
18 21 apply to motor trucks and truck tractors with a gross vehicle  
18 22 weight rating of sixteen thousand pounds or more, vehicles  
18 23 more than seven model years old, motorcycles, motorized  
18 24 bicycles, and special mobile equipment. This section does  
18 25 apply to motor homes. The requirement in subsection 1 that  
18 26 the new certificate of title and registration receipt shall  
18 27 state on the face of the title whether a prior owner had  
18 28 disclosed that the vehicle was damaged to the extent that it  
18 29 was a wrecked or salvage vehicle as defined in section 321.52,  
18 30 subsection 4, paragraph "d", does not apply to a vehicle with  
18 31 a certificate of title bearing a designation that the vehicle  
18 32 was previously titled on a salvage certificate of title  
18 33 pursuant to section 321.52, subsection 4, paragraph "b", or to  
18 34 a vehicle with a certificate of title bearing a "REBUILT" or  
18 35 "SALVAGE" designation pursuant to section 321.24, subsection 4  
19 1 or 5. Except for subsections 10 and 11, this section does not  
19 2 apply to new motor vehicles with a true mileage, as defined in  
19 3 section 321.71, of one thousand miles or less, unless such  
19 4 vehicle has incurred damage as ~~defined~~ described in subsection  
19 5 2.

19 6 Sec. 42. Section 322.10, Code 2005, is amended to read as  
19 7 follows:

19 8 322.10 JUDICIAL REVIEW.

19 9 Judicial review of actions of the department may be sought  
19 10 in accordance with the terms of the Iowa administrative  
19 11 procedure Act, chapter 17A. The petitioner shall file with  
19 12 the clerk a bond for the use of the respondent, with sureties  
19 13 approved by ~~such~~ the clerk and in an amount fixed by the  
19 14 clerk, ~~provided in.~~ In no case shall the bond be less than  
19 15 fifty dollars, ~~conditioned.~~ All bonds shall include the  
19 16 condition that the petitioner shall perform the orders of the  
19 17 court.

19 18 Sec. 43. Section 331.260, subsection 2, unnumbered  
19 19 paragraph 2, Code 2005, is amended to read as follows:

19 20 The question of forming a community commonwealth shall be  
19 21 submitted to the electorate in substantially the same ~~manner~~  
19 22 form as provided in section ~~331.247, subsection 4, and section~~  
19 23 ~~331.252.~~ The effective date of the charter and election of  
19 24 new officers of the community commonwealth shall be as  
19 25 provided in section 331.247, subsection 5.

19 26 Sec. 44. Section 331.506, subsection 1, paragraphs b and  
19 27 d, Code 2005, are amended to read as follows:

19 28 b. The auditor shall not issue a warrant to a drawee until  
19 29 the auditor has transmitted to the treasurer a list of the  
19 30 warrants to be issued. The list shall include the date,  
19 31 amount, and number of the warrant, name of the person to whom  
19 32 the warrant is issued, and the purpose for which the warrant  
19 33 is issued. The treasurer shall acknowledge receipt of the  
19 34 list by affixing the treasurer's signature at the bottom of  
19 35 the list and immediately returning the list to the auditor.  
20 1 The requirement that the treasurer sign to acknowledge receipt  
20 2 of the list is satisfied by use of a ~~digital signature or~~  
20 3 ~~other~~ secure electronic signature if the county auditor and  
20 4 treasurer have complied with the applicable provisions of  
20 5 chapter 554D.

20 6 d. The requirement that the county auditor sign a warrant  
20 7 is satisfied by use of a ~~digital signature or other~~ secure  
20 8 electronic signature if the county auditor has complied with  
20 9 the applicable provisions of chapter 554D.

20 10 Sec. 45. Section 331.512, subsection 10, Code 2005, is  
20 11 amended to read as follows:

20 12 10. Furnish the assessor a plat book which is platted with  
20 13 the lands and lots within the assessment district as provided  
20 14 in section 441.29. ~~The auditor, with the approval of the~~  
20 15 ~~board of supervisors, may establish a permanent real estate~~  
20 16 ~~index number system as provided in section 441.29.~~

20 17 Sec. 46. Section 354.1, subsection 3, Code 2005, is  
20 18 amended to read as follows:

20 19 3. To provide for statewide, uniform procedures and  
20 20 standards for the platting of land while allowing the widest  
20 21 possible latitude for cities and counties to establish and  
20 22 enforce ordinances regulating the division and use of land,  
20 23 within the scope of, but not limited to, chapters 331, 335,  
20 24 364, 414, and this chapter. All documents presented for  
20 25 recording pursuant to this chapter shall comply with section  
20 26 ~~331.602, subsection 1~~ 331.606B.

20 27 Sec. 47. Section 354.4, subsection 2, Code 2005, is  
20 28 amended to read as follows:

20 29 2. The auditor ~~may~~ shall note a permanent real estate  
20 30 index number upon each parcel shown on a plat of survey  
20 31 according to section 441.29 for real estate tax administration  
20 32 purposes. The surveyor shall not assign parcel letters or  
20 33 prepare a metes and bounds description for any parcel shown on  
20 34 a plat of survey unless the parcel was surveyed by the  
20 35 surveyor in compliance with chapter 355. Parcels within a  
21 1 plat of survey prepared pursuant to this section are subject  
21 2 to the regulations and ordinances of the governing body.

21 3 Sec. 48. Section 354.5, subsection 5, Code 2005, is  
21 4 amended to read as follows:

21 5 5. A description by reference to a permanent real estate  
21 6 index number is valid for the purpose of assessment and  
21 7 taxation ~~when a county has established a~~ under the permanent  
21 8 real estate index number system pursuant to section 441.29.

21 9 Sec. 49. Section 354.27, Code 2005, is amended to read as  
21 10 follows:

21 11 354.27 NOTING THE PERMANENT REAL ESTATE INDEX NUMBER.

21 12 When a permanent real estate index number system ~~has been~~  
21 13 is established by a county pursuant to section 441.29, the  
21 14 auditor ~~may~~ shall note the permanent real estate index number  
21 15 on every conveyance.

21 16 Sec. 50. Section 368.7, subsection 1, paragraphs a and d,  
21 17 Code 2005, are amended to read as follows:

21 18 a. All of the owners of land in a territory adjoining a  
21 19 city may apply in writing to the council of the adjoining city  
21 20 requesting annexation of the territory. Territory comprising  
21 21 railway right-of-way or territory comprising not more than  
21 22 twenty percent of the land area may be included in the  
21 23 application without the consent of the owner to avoid creating  
21 24 an island or to create more uniform boundaries. Public land  
21 25 may be included in the territory to be annexed. However, the  
21 26 area of the territory that is public land included without the  
21 27 written consent of the agency with jurisdiction over the  
21 28 public land ~~may~~ shall not be used to determine the percentage  
21 29 of territory that is included with the consent of the owner  
21 30 and without the consent of the owner.

21 31 d. The city shall provide for a public hearing on the  
21 32 application before approving or denying it. The city shall  
21 33 provide written notice at least fourteen business days prior  
21 34 to any action by the city council regarding the application,  
21 35 including a public hearing, by regular mail to the chairperson  
22 1 of the board of supervisors of each county which contains a  
22 2 portion of the territory proposed to be annexed, each public  
22 3 utility which serves the territory proposed to be annexed,  
22 4 each owner of property located within the territory to be  
22 5 annexed who is not a party to the application, and each owner  
22 6 of property that adjoins the territory to be annexed unless  
22 7 the adjoining property is in a city. The city shall publish  
22 8 notice of the application and public hearing on the  
22 9 application in an official county newspaper in each county  
22 10 which contains a portion of the territory proposed to be  
22 11 annexed. Both the written and published notice shall include  
22 12 the time and place of the public hearing and a legal  
22 13 description of the territory to be annexed. The city ~~may~~  
22 14 shall not assess the costs of providing notice as required in  
22 15 this section to the applicants.

22 16 Sec. 51. Section 368.25, Code 2005, is amended to read as  
22 17 follows:

22 18 368.25 FAILURE TO PROVIDE MUNICIPAL SERVICES.

22 19 Prior to expiration of the three-year period established in  
22 20 section 368.11, subsection ~~14 3~~, paragraph "n", the annexing  
22 21 city shall submit a report to the board describing the status  
22 22 of the provision of municipal services identified in the plan  
22 23 required in section 368.11, subsection ~~14 3~~, paragraph "n".  
22 24 If a city fails to provide municipal services, or fails to  
22 25 show substantial and continuing progress in the provision of  
22 26 municipal services, to territory involuntarily annexed,  
22 27 according to the plan for extending municipal services filed  
22 28 pursuant to section 368.11, subsection ~~14 3~~, paragraph "n",  
22 29 within the time period specified in that subsection, the city  
22 30 development board may initiate proceedings to sever the  
22 31 annexed territory from the city. The board shall notify the  
22 32 city of the severance proceedings and shall hold a public  
22 33 hearing on the proposed severance. The board shall give  
22 34 notice of the hearing in the same manner as notice of a public  
22 35 meeting in section 368.11. The board may order severance of  
23 1 all or a portion of the territory and the order to sever is  
23 2 not subject to approval at an election. A city may request  
23 3 that the board allow up to an additional three years to  
23 4 provide municipal services if good cause is shown. As an

23 5 alternative to severance of the territory, the board may  
23 6 impose a moratorium on additional annexation by the city until  
23 7 the city complies with its plan for extending municipal  
23 8 services. For purposes of this section, "municipal services"  
23 9 means services included in the plan required by section  
23 10 368.11, subsection ~~14~~ 3, paragraph "n", for extending  
23 11 municipal services.

23 12 Sec. 52. Section 421.17, subsection 27, paragraph a, Code  
23 13 2005, is amended to read as follows:

23 14 a. To establish, administer, and make available a  
23 15 centralized debt collection capability and procedure for the  
23 16 use by any state agency as defined in ~~former subsection 29~~  
23 17 section 8A.504 to collect delinquent accounts, charges, fees,  
23 18 loans, taxes, or other indebtedness owed to or being collected  
23 19 by the state. The department's collection facilities shall  
23 20 only be available for use by other state agencies for their  
23 21 discretionary use when resources are available to the director  
23 22 and subject to the director's determination that use of the  
23 23 procedure is feasible. The director shall prescribe the  
23 24 appropriate form and manner in which this information is to be  
23 25 submitted to the office of the department. The obligations or  
23 26 indebtedness must be delinquent and not subject to litigation,  
23 27 claim, appeal, or review pursuant to the appropriate remedies  
23 28 of each state agency.

23 29 Sec. 53. Section 422.7, subsection 34, Code 2005, is  
23 30 amended by striking the subsection.

23 31 Sec. 54. Section 422.35, subsection 14, Code 2005, is  
23 32 amended by striking the subsection.

23 33 Sec. 55. Section 423.33, subsection 3, Code 2005, is  
23 34 amended to read as follows:

23 35 3. EVENT SPONSOR'S LIABILITY FOR SALES TAX. A person  
24 1 sponsoring a flea market or a craft, antique, coin, or stamp  
24 2 show or similar event shall obtain from every retailer selling  
24 3 tangible personal property or taxable services at the event  
24 4 proof that the retailer possesses a valid sales tax permit or  
24 5 secure from the retailer a statement, taken in good faith,  
24 6 that property or services offered for sale are not subject to  
24 7 sales tax. Failure to do so renders a sponsor of the event  
24 8 liable for payment of any sales tax, interest, and penalty due  
24 9 and owing from any retailer selling property or services at  
24 10 the event. Sections 423.31, 423.32, 423.37, 423.38, 423.39,  
24 11 423.40, 423.41, and 423.42 apply to the sponsors. For  
24 12 purposes of this subsection, a person sponsoring a flea market  
24 13 or a craft, antique, coin, or stamp show or similar event does  
24 14 not include an organization which sponsors an event less than  
24 15 three times a year or a ~~state, county, or district~~  
~~24 16 agricultural fair as defined in section 174.1.~~

24 17 Sec. 56. Section 441.39, Code 2005, is amended to read as  
24 18 follows:

24 19 441.39 TRIAL ON APPEAL.

24 20 The court shall hear the appeal in equity and determine  
24 21 anew all questions arising before the board which relate to  
24 22 the liability of the property to assessment or the amount  
24 23 thereof. The court shall consider all of the evidence and  
24 24 there shall be no presumption as to the correctness of the  
24 25 valuation ~~of or~~ assessment appealed from. Its decision shall  
24 26 be certified by the clerk of the court to the county auditor,  
24 27 and the assessor, who shall correct the assessment books  
24 28 accordingly.

24 29 Sec. 57. Section 455B.174, subsection 4, paragraph e, Code  
24 30 2005, is amended to read as follows:

24 31 e. If a public water supply has a groundwater source that  
24 32 contains petroleum, a fraction of crude oil, or their  
24 33 degradation products, or is located in an area deemed by the  
24 34 department as likely to be contaminated by such materials, and  
24 35 after consultation with the public water supply system and  
25 1 consideration of all applicable rules relating to remediation,  
25 2 the department may require the public water supply system to  
25 3 replace that groundwater source in order to receive a permit  
25 4 to operate. The requirement to replace the source shall only  
25 5 be made by the department if the public water supply system is  
25 6 fully compensated for any additional design, construction,  
25 7 operation, and monitoring costs from the Iowa comprehensive  
25 8 petroleum underground storage tank fund created by chapter  
25 9 455G or from any other funds that do not impose a financial  
25 10 obligation on the part of the public water supply system.  
25 11 Funds available to or provided by the public water supply  
25 12 system may be used for system improvements made in conjunction  
25 13 with replacement of the source. The department cannot require  
25 14 a public water supply system to replace its water source with  
25 15 a less reliable water source or with a source that does not

25 16 meet federal primary, secondary, or other health-based  
25 17 standards unless treatment is provided to ensure that the  
25 18 drinking water meets these standards. Nothing in this  
25 19 paragraph shall affect the public water ~~supply's~~ supply  
25 20 ~~system's~~ right to pursue recovery from a responsible party.

25 21 Sec. 58. Section 455B.751, subsection 7, Code 2005, is  
25 22 amended to read as follows:

25 23 7. "Third party" means any person other than a person that  
25 24 holds indicia of title to property ~~as identified in section~~  
25 25 ~~455B.752, subsection 1,~~ or that has acquired property as  
25 26 identified in section 455B.752, ~~subsection 2.~~

25 27 Sec. 59. Section 455G.2, subsection 6, Code 2005, is  
25 28 amended to read as follows:

25 29 6. "Claimant" means an owner or operator who has received  
25 30 assistance under the remedial account or who ~~has had~~ has had coverage  
25 31 under the underground storage tank insurance fund, established  
25 32 in section 455G.11, Code 2003, with respect to a release, or  
25 33 an installer or inspector who ~~has had~~ has had coverage under the  
25 34 underground storage tank insurance fund.

25 35 Sec. 60. Section 455G.2, subsection 15, Code 2005, is  
26 1 amended by striking the subsection.

26 2 Sec. 61. Section 455G.3, subsection 1, Code 2005, is  
26 3 amended to read as follows:

26 4 1. The Iowa comprehensive petroleum underground storage  
26 5 tank fund is created as a separate fund in the state treasury,  
26 6 and any funds remaining in the fund at the end of each fiscal  
26 7 year shall not revert to the general fund but shall remain in  
26 8 the Iowa comprehensive petroleum underground storage tank  
26 9 fund. Interest or other income earned by the fund shall be  
26 10 deposited in the fund. The fund shall include moneys credited  
26 11 to the fund under this section, section 423.43, subsection 1,  
26 12 paragraph "a", and sections 455G.8, 455G.9, and 455G.11, Code  
26 13 2003, and other funds which by law may be credited to the  
26 14 fund. The moneys in the fund are appropriated to and for the  
26 15 purposes of the board as provided in this chapter. Amounts in  
26 16 the fund shall not be subject to appropriation for any other  
26 17 purpose by the general assembly, but shall be used only for  
26 18 the purposes set forth in this chapter. The treasurer of  
26 19 state shall act as custodian of the fund and disburse amounts  
26 20 contained in it as directed by the board including automatic  
26 21 disbursements of funds as received pursuant to the terms of  
26 22 bond indentures and documents and security provisions to  
26 23 trustees and custodians. The treasurer of state is authorized  
26 24 to invest the funds deposited in the fund at the direction of  
26 25 the board and subject to any limitations contained in any  
26 26 applicable bond proceedings. The income from such investment  
26 27 shall be credited to and deposited in the fund. The fund  
26 28 shall be administered by the board which shall make  
26 29 expenditures from the fund consistent with the purposes of the  
26 30 programs set out in this chapter without further  
26 31 appropriation. The fund may be divided into different  
26 32 accounts with different depositories as determined by the  
26 33 board and to fulfill the purposes of this chapter.

26 34 Sec. 62. Section 455G.3, subsection 3, paragraph c, Code  
26 35 2005, is amended by striking the paragraph.

27 1 Sec. 63. Section 455G.4, subsection 1, paragraph e, Code  
27 2 2005, is amended to read as follows:

27 3 e. Two owners or operators appointed by the governor. One  
27 4 of the owners or operators appointed pursuant to this  
27 5 paragraph shall have been a petroleum systems insured through  
27 6 the underground storage tank insurance fund as it existed on  
27 7 June 30, 2004, or a successor to the underground storage tank  
27 8 insurance fund and shall have been an insured through the  
27 9 insurance account of the comprehensive petroleum underground  
27 10 storage tank fund on or before October 26, 1990. One of the  
27 11 owners or operators appointed pursuant to this paragraph shall  
27 12 be self-insured.

27 13 Sec. 64. Section 455G.4, subsection 3, paragraph a, Code  
27 14 2005, is amended to read as follows:

27 15 a. The board shall adopt rules regarding its practice and  
27 16 procedures, develop underwriting standards, ~~establish premiums~~  
27 17 ~~for insurance fund coverage and risk factors,~~ procedures for  
27 18 investigating and settling claims made against the fund,  
27 19 ~~determine appropriate deductibles or retentions in coverages~~  
27 20 ~~or benefits offered,~~ and otherwise implement and administer  
27 21 this chapter.

27 22 Sec. 65. Section 455G.4, subsection 3, paragraphs d and e,  
27 23 Code 2005, are amended by striking the paragraphs.

27 24 Sec. 66. Section 455G.13, subsection 2, paragraph b, Code  
27 25 2005, is amended to read as follows:

27 26 b. An owner or operator's liability for a release for

27 27 which coverage is admitted under the underground storage tank  
27 28 insurance fund established in section 455G.11, Code 2003,  
27 29 shall not exceed the amount of the deductible.  
27 30 Sec. 67. Section 455G.13, subsection 12, Code 2005, is  
27 31 amended to read as follows:  
27 32 12. RECOVERY OR SUBROGATION == INSTALLERS AND INSPECTORS.  
27 33 Notwithstanding any other provision contained in this chapter,  
27 34 the board or a person insured under the underground storage  
27 35 tank insurance fund, established in section 455G.11, Code  
28 1 2003, has no right of recovery or right of subrogation against  
28 2 an installer or an inspector who was insured by the  
28 3 underground storage tank insurance fund for the tank giving  
28 4 rise to the liability other than for recovery of any  
28 5 deductibles paid.  
28 6 Sec. 68. Section 455G.14, Code 2005, is amended to read as  
28 7 follows:  
28 8 455G.14 FUND NOT SUBJECT TO REGULATION.  
28 9 The fund, ~~including but not limited to insurance coverage~~  
28 10 ~~offered by the insurance fund,~~ is not subject to regulation  
28 11 under chapter 502 or Title XIII, subtitle 1.  
28 12 Sec. 69. Section 455G.17, subsection 3, Code 2005, is  
28 13 amended to read as follows:  
28 14 3. The board shall adopt approved curricula for training  
28 15 persons to install underground storage tanks ~~in such a manner~~  
28 16 ~~that the resulting installation may be certified under section~~  
28 17 ~~455G.11, subsection 10,~~ and provide fire safety and  
28 18 environmental protection guidelines for persons removing  
28 19 tanks.  
28 20 Sec. 70. Section 488.108, subsection 4, paragraph b, Code  
28 21 2005, is amended to read as follows:  
28 22 b. Each name reserved under section 488.109, or under  
28 23 sections 486A.1001, 490.401, 490.402, 490A.401, 490A.402,  
28 24 504.401, 504.402, 504A.6, 504A.7, and 547.1.  
28 25 Sec. 71. Section 488.1003, subsections 1 and 2, Code 2005,  
28 26 are amended to read as follows:  
28 27 1. The person ~~that~~ was a partner when the conduct giving  
28 28 rise to the action occurred.  
28 29 2. The ~~person whose~~ person's status as a partner devolved  
28 30 upon the person by operation of law or pursuant to the terms  
28 31 of the partnership agreement from a person that was a partner  
28 32 at the time of the conduct.  
28 33 Sec. 72. Section 490.850, subsection 2, Code 2005, is  
28 34 amended to read as follows:  
28 35 2. "Director" or "officer" means an individual who is or  
29 1 was a director or officer, respectively, of a corporation or  
29 2 who, while a director or officer of the corporation, is or was  
29 3 serving at the corporation's request as a director, officer,  
29 4 partner, trustee, employee, or agent of another domestic or  
29 5 foreign corporation, partnership, joint venture, trust,  
29 6 employee benefit plan, or other entity. A director or officer  
29 7 is considered to be serving an employee benefit plan at the  
29 8 corporation's request if the director's duties to the  
29 9 corporation also impose duties on, or otherwise involve  
29 10 services by, that director to the plan or to participants in  
29 11 or beneficiaries of the plan. "Director" or "officer"  
29 12 includes, unless the context requires otherwise, the estate or  
29 13 personal representative of a director or officer.  
29 14 Sec. 73. Section 501.103, subsection 3, unnumbered  
29 15 paragraph 1, Code 2005, is amended to read as follows:  
29 16 A cooperative that claims that it is exempt from the  
29 17 restrictions of section 9H.4 pursuant to subsection 2 shall  
29 18 file ~~an annual~~ a biennial report with the secretary of state  
29 19 on or before March 31 of each ~~even-numbered~~ year on forms  
29 20 supplied by the secretary of state. The report shall be  
29 21 signed by the president or the vice president of the  
29 22 cooperative and shall contain the following:  
29 23 Sec. 74. Section 502.102, subsection 17, paragraph d, Code  
29 24 2005, is amended to read as follows:  
29 25 d. With respect to a viatical settlement investment  
29 26 contract, "issuer" means a person involved in creating,  
29 27 transferring, or selling to an investor any interest in such a  
29 28 contract, including but not limited to fractional or pooled  
29 29 interests, but does not include an agent or a broker-dealer.  
29 30 Sec. 75. Section 502.204, subsection 1, Code 2005, is  
29 31 amended to read as follows:  
29 32 1. ENFORCEMENT=RELATED POWERS. Except with respect to a  
29 33 federal covered security or a transaction involving a federal  
29 34 covered security, an order under this chapter may deny,  
29 35 suspend application of, condition, limit, or revoke an  
30 1 exemption created under section 502.201, subsection 3,  
30 2 paragraph "c", or subsection 7 ~~or 8, 8A, or 8B,~~ or section

30 3 502.202, or an exemption or waiver created under section  
30 4 502.203 with respect to a specific security, transaction, or  
30 5 offer. An order under this section may be issued only  
30 6 pursuant to the procedures in section 502.306, subsection 4,  
30 7 or section 502.604, and only prospectively.  
30 8 Sec. 76. Section 502.508, subsection 2, Code 2005, is  
30 9 amended to read as follows:  
30 10 2. CRIMINAL REFERENCE NOT REQUIRED. The attorney general  
30 11 or the proper county attorney, with or without a reference  
30 12 from the administrator, may institute criminal proceedings  
30 13 under this chapter.  
30 14 Sec. 77. Section 504.111, subsection 3, Code 2005, is  
30 15 amended to read as follows:  
30 16 3. The document must contain the information required by  
30 17 this ~~subchapter~~ chapter. It may contain other information as  
30 18 well.  
30 19 Sec. 78. Section 504.141, subsection 30, Code 2005, is  
30 20 amended to read as follows:  
30 21 30. "Record date" means the date established under  
30 22 subchapter VI or VII on which a corporation determines the  
30 23 identity of its members for the purposes of this ~~subchapter~~  
30 24 chapter.  
30 25 Sec. 79. Section 504.142, subsection 4, paragraph b, Code  
30 26 2005, is amended to read as follows:  
30 27 b. When electronically transmitted to the ~~shareholder~~  
30 28 member in a manner authorized by the ~~shareholder~~ member.  
30 29 Sec. 80. Section 504.142, subsection 8, Code 2005, is  
30 30 amended to read as follows:  
30 31 8. Written notice is correctly addressed to a domestic or  
30 32 foreign corporation authorized to transact business in this  
30 33 state, other than in its capacity as a member, if addressed to  
30 34 its registered agent or to its secretary at its principal  
30 35 office shown in its most recent biennial report or, in the  
31 1 case of a foreign corporation that has not yet delivered ~~an~~  
~~31 2 annual a biennial~~ report, in its application for a certificate  
31 3 of authority.  
31 4 Sec. 81. Section 504.202, subsection 2, paragraph d,  
31 5 subparagraph (3), Code 2005, is amended to read as follows:  
31 6 (3) A violation of section ~~504.834~~ 504.835.  
31 7 Sec. 82. Section 504.202, subsection 2, paragraph e,  
31 8 subparagraph (3), Code 2005, is amended to read as follows:  
31 9 (3) A violation of section ~~504.834~~ 504.835.  
31 10 Sec. 83. Section 504.401, subsection 2, paragraph b, Code  
31 11 2005, is amended to read as follows:  
31 12 b. A corporate name reserved or registered under section  
31 13 490.402, 490.403, 504.402, ~~or~~ 504.403, or 504A.6.  
31 14 Sec. 84. Section 504.401, subsection 5, Code 2005, is  
31 15 amended to read as follows:  
31 16 5. This ~~subchapter~~ chapter does not control the use of  
31 17 fictitious names; however, if a corporation or a foreign  
31 18 corporation uses a fictitious name in this state it shall  
31 19 deliver to the secretary of state for filing a copy of the  
31 20 resolution of its board of directors, certified by its  
31 21 secretary, adopting the fictitious name.  
31 22 Sec. 85. Section 504.403, subsection 1, paragraph b, Code  
31 23 2005, is amended to read as follows:  
31 24 b. A corporate name reserved under section 490.402,  
31 25 490.403, ~~or~~ 504.402, or 504A.6 or registered under this  
31 26 section.  
31 27 Sec. 86. Section 504.704, subsection 1, Code 2005, is  
31 28 amended to read as follows:  
31 29 1. Unless limited or prohibited by the articles or bylaws  
31 30 of the corporation, action required or permitted by this  
31 31 ~~subchapter~~ chapter to be approved by the members of a  
31 32 corporation may be approved without a meeting of members if  
31 33 the action is approved by members holding at least eighty  
31 34 percent of the voting power. The action must be evidenced by  
31 35 one or more written consents describing the action taken,  
32 1 signed by those members representing at least eighty percent  
32 2 of the voting power, and delivered to the corporation for  
32 3 inclusion in the minutes or filing with the corporate records.  
32 4 A written consent may be revoked by a writing to that effect  
32 5 received by the corporation prior to the receipt by the  
32 6 corporation of unrevoked written consents sufficient in number  
32 7 to take corporation action.  
32 8 Sec. 87. Section 504.705, subsection 3, paragraph b, Code  
32 9 2005, is amended to read as follows:  
32 10 b. The notice of an annual or regular meeting includes a  
32 11 description of any matter or matters which must be considered  
32 12 for approval by the members under sections 504.833, ~~504.857~~  
32 13 504.859, 504.1003, 504.1022, 504.1104, 504.1202, ~~504.1401~~, and

32 14 504.1402.

32 15 Sec. 88. Section 504.706, subsection 1, Code 2005, is  
32 16 amended to read as follows:

32 17 1. A member may waive any notice required by this  
32 18 ~~subchapter chapter~~, the articles, or bylaws before or after  
32 19 the date and time stated in the notice. The waiver must be in  
32 20 writing, be signed by the member entitled to the notice, and  
32 21 be delivered to the corporation for inclusion in the minutes  
32 22 or filing with the corporate records.

32 23 Sec. 89. Section 504.713, subsection 1, Code 2005, is  
32 24 amended to read as follows:

32 25 1. Unless this ~~subchapter chapter~~ or the articles or  
32 26 bylaws of a corporation provide for a higher or lower quorum,  
32 27 ten percent of the votes entitled to be cast on a matter must  
32 28 be represented at a meeting of members to constitute a quorum  
32 29 on that matter.

32 30 Sec. 90. Section 504.714, subsection 1, Code 2005, is  
32 31 amended to read as follows:

32 32 1. Unless this ~~subchapter chapter~~ or the articles or  
32 33 bylaws of a corporation require a greater vote or voting by  
32 34 class, if a quorum is present, the affirmative vote of the  
32 35 votes represented and voting, which affirmative votes also  
33 1 constitute a majority of the required quorum, is the act of  
33 2 the members.

33 3 Sec. 91. Section 504.822, subsection 1, Code 2005, is  
33 4 amended to read as follows:

33 5 1. Except to the extent the articles or bylaws of a  
33 6 corporation require that action by the board of directors be  
33 7 taken at a meeting, action required or permitted by this  
33 8 ~~subchapter chapter~~ to be taken by the board of directors may  
33 9 be taken without a meeting if each director signs a consent  
33 10 describing the action to be taken and delivers it to the  
33 11 corporation.

33 12 Sec. 92. Section 504.824, Code 2005, is amended to read as  
33 13 follows:

33 14 504.824 WAIVER OF NOTICE.

33 15 1. A director may at any time waive any notice required by  
33 16 this ~~subchapter chapter~~, the articles, or bylaws. Except as  
33 17 provided in subsection 2, the waiver must be in writing,  
33 18 signed by the director entitled to the notice, and filed with  
33 19 the minutes or the corporate records.

33 20 2. A director's attendance at or participation in a  
33 21 meeting waives any required notice of the meeting unless the  
33 22 director, upon arriving at the meeting or prior to the vote on  
33 23 a matter not noticed in conformity with this ~~subchapter~~  
33 24 ~~chapter~~, the articles, or bylaws, objects to lack of notice  
33 25 and does not thereafter vote for or assent to the objected-to  
33 26 action.

33 27 Sec. 93. Section 504.825, Code 2005, is amended to read as  
33 28 follows:

33 29 504.825 QUORUM AND VOTING.

33 30 1. Except as otherwise provided in this ~~subchapter~~  
33 31 ~~chapter~~, or the articles or bylaws of a corporation, a quorum  
33 32 of a board of directors consists of a majority of the  
33 33 directors in office immediately before a meeting begins. The  
33 34 articles or bylaws shall not authorize a quorum of fewer than  
33 35 one-third of the number of directors in office.

34 1 2. If a quorum is present when a vote is taken, the  
34 2 affirmative vote of a majority of directors present is the act  
34 3 of the board unless this ~~subchapter chapter~~, the articles, or  
34 4 bylaws require the vote of a greater number of directors.

34 5 Sec. 94. Section 504.832, subsection 1, paragraph a, Code  
34 6 2005, is amended to read as follows:

34 7 a. That section 504.202, subsection 2, paragraph "d", or  
34 8 504.901 or the protection afforded by section ~~504.831~~ 504.833,  
34 9 if interposed as a bar to the proceeding by the director, does  
34 10 not preclude liability.

34 11 Sec. 95. Section 504.832, subsection 3, paragraph c, Code  
34 12 2005, is amended to read as follows:

34 13 c. Affect any rights to which the corporation or a  
34 14 ~~shareholder member~~ may be entitled under another statute of  
34 15 this state or the United States.

34 16 Sec. 96. Section 504.833, subsection 2, unnumbered  
34 17 paragraph 1, Code 2005, is amended to read as follows:

34 18 A transaction in which a director of a ~~mutual-benefit~~  
34 19 corporation has a conflict of interest may be approved if  
34 20 either of the following occurs:

34 21 Sec. 97. Section 504.833, subsection 5, Code 2005, is  
34 22 amended to read as follows:

34 23 5. For purposes of subsection 2, paragraph "b", a conflict  
34 24 of interest transaction is authorized, approved, or ratified

34 25 by the members if it receives a majority of the votes entitled  
34 26 to be counted under this subsection. Votes cast by or voted  
34 27 under the control of a director who has a direct or indirect  
34 28 interest in the transaction, and votes cast by or voted under  
34 29 the control of an entity described in subsection 3, paragraph  
34 30 "a", shall not be counted in a vote of members to determine  
34 31 whether to authorize, approve, or ratify a conflict of  
34 32 interest transaction under subsection 2, paragraph "b". The  
34 33 vote of these members, however, is counted in determining  
34 34 whether the transaction is approved under other sections of  
34 35 this ~~subchapter~~ chapter. A majority of the voting power,  
35 1 whether or not present, that is entitled to be counted in a  
35 2 vote on the transaction under this subsection constitutes a  
35 3 quorum for the purpose of taking action under this section.

35 4 Sec. 98. Section 504.835, subsection 1, Code 2005, is  
35 5 amended to read as follows:

35 6 1. Unless a director complies with the applicable  
35 7 standards of conduct described in section 504.831, a director  
35 8 who votes for or assents to a distribution made in violation  
35 9 of this ~~subchapter~~ chapter is personally liable to the  
35 10 corporation for the amount of the distribution that exceeds  
35 11 what could have been distributed without violating this  
35 12 ~~subchapter~~ chapter.

35 13 Sec. 99. Section 504.835, subsection 2, paragraph b, Code  
35 14 2005, is amended to read as follows:

35 15 b. Each person who received an unlawful distribution for  
35 16 the amount of the distribution whether or not the person  
35 17 receiving the distribution knew it was made in violation of  
35 18 this ~~subchapter~~ chapter.

35 19 Sec. 100. Section 504.852, subsection 4, paragraph a, Code  
35 20 2005, is amended to read as follows:

35 21 a. In connection with a proceeding by or in the right of  
35 22 the corporation, except for reasonable expenses incurred in  
35 23 connection with the proceeding if it is determined that the  
35 24 director has met the relevant standard of conduct under

35 25 subsection 1.

35 26 Sec. 101. Section 504.856, subsection 2, paragraph c, Code  
35 27 2005, is amended to read as follows:

35 28 c. By the members of a ~~mutual benefit~~ corporation, but  
35 29 directors who are at the time parties to the proceeding shall  
35 30 not vote on the determination.

35 31 Sec. 102. Section 504.857, subsection 1, paragraph b,  
35 32 subparagraph (2), subparagraph subdivision (b), Code 2005, is  
35 33 amended to read as follows:

35 34 (b) An intentional infliction of harm on the corporation  
35 35 or the ~~shareholders~~ members.

36 1 Sec. 103. Section 504.901, subsection 3, Code 2005, is  
36 2 amended to read as follows:

36 3 3. A violation of section ~~504.834~~ 504.835.

36 4 Sec. 104. Section 504.1008, Code 2005, is amended to read  
36 5 as follows:

36 6 504.1008 EFFECT OF AMENDMENT AND RESTATEMENT.

36 7 An amendment to articles of incorporation does not affect a  
36 8 cause of action existing against or in favor of the  
36 9 corporation, a proceeding to which the corporation is a party,  
36 10 any requirement or limitation imposed upon the corporation, or  
36 11 any property held by it by virtue of any trust upon which such  
36 12 property is held by the corporation, or the existing rights of  
36 13 persons other than members of the corporation. An amendment  
36 14 changing a corporation's name does not abate a proceeding  
36 15 brought by or against the corporation in its former name.

36 16 Sec. 105. Section 504.1101, subsection 1, Code 2005, is  
36 17 amended to read as follows:

36 18 1. Subject to the limitations set forth in section  
36 19 504.1102, one or more nonprofit corporations may merge with or  
36 20 into any one or more business corporations or nonprofit  
36 21 corporations or limited liability companies, if the plan of  
36 22 merger is approved as provided in section 504.1103.

36 23 Sec. 106. Section 504.1102, subsection 1, paragraph d,  
36 24 subparagraph (3), Code 2005, is amended to read as follows:

36 25 (3) The merger is approved by a majority of directors of  
36 26 the public benefit or religious corporation who are not and  
36 27 will not become members or shareholders in or officers,  
36 28 employees, agents, or consultants of the surviving ~~corporation~~  
36 29 entity.

36 30 Sec. 107. Section 523A.402, subsection 6, paragraph c,  
36 31 Code 2005, is amended to read as follows:

36 32 c. The annuity shall not be contestable, or limit death  
36 33 benefits in the case of suicide, with respect to that portion  
36 34 of the face amount of the annuity which is required by  
36 35 paragraph "b". The annuity shall not refer to physical

37 1 examination, or otherwise operate as an exclusion, limitation,  
37 2 or condition other than requiring submission of proof of death  
37 3 or surrender of the annuity at the time the prepaid purchase  
37 4 agreement is funded, matures, or is canceled, as the case may  
37 5 be.

37 6 Sec. 108. Section 524.310, subsection 1, Code 2005, is  
37 7 amended to read as follows:

37 8 1. The name of a state bank originally incorporated or  
37 9 organized after the effective date of this chapter shall  
37 10 include the word "bank" and may include the word "state" or  
37 11 "trust" in its name. A state bank using the word "trust" in  
37 12 its name must be authorized under this chapter to act in a  
37 13 fiduciary capacity. A national bank or federal savings ~~bank~~  
37 14 association shall not use the word "state" in its legally  
37 15 chartered name.

37 16 Sec. 109. Section 524.1201, subsection 4, Code 2005, is  
37 17 amended by striking the subsection.

37 18 Sec. 110. Section 524.1303, subsections 4 and 5, Code  
37 19 2005, are amended to read as follows:

37 20 4. Within thirty days after the date of the ~~second~~  
37 21 publication of the notice, any interested person may submit to  
37 22 the superintendent written comments and data on the  
37 23 application. The superintendent may extend the thirty=day  
37 24 comment period if, in the superintendent's judgment,  
37 25 extenuating circumstances exist.

37 26 5. Within thirty days after the date of the ~~second~~  
37 27 publication of the notice, any interested person may submit to  
37 28 the superintendent a written request for a hearing on the  
37 29 application. The request shall state the nature of the issues  
37 30 or facts to be presented and the reasons why written  
37 31 submissions would be insufficient to make an adequate  
37 32 presentation to the superintendent. If the reasons are  
37 33 related to factual disputes, the disputes shall be described.  
37 34 Comments challenging the legality of an application shall be  
37 35 submitted separately in writing and shall not be considered at  
38 1 a hearing conducted pursuant to this section. Written  
38 2 requests for hearings shall be evaluated by the  
38 3 superintendent, who may grant or deny such requests in whole  
38 4 or in part. A hearing request shall generally be granted only  
38 5 if it is determined that written submissions would be  
38 6 inadequate or that a hearing would otherwise be beneficial to  
38 7 the decision=making process. A hearing may be limited to  
38 8 issues considered material by the superintendent.

38 9 Sec. 111. Section 524.1309, subsections 5 and 6, Code  
38 10 2005, is amended to read as follows:

38 11 5. The board of directors has full power to complete the  
38 12 settlement of the affairs of the state bank. Within thirty  
38 13 days after approval by the superintendent of the plan to cease  
38 14 the business of banking and become a corporation subject to  
38 15 chapter 490, or a limited liability company subject to chapter  
38 16 490A, the state bank shall give notice of its intent to  
38 17 persons identified in section 524.1305, subsection ~~4~~ 3, in the  
38 18 manner provided for in that subsection. In completing the  
38 19 settlement of its affairs as a state bank the state bank shall  
38 20 also follow the procedure prescribed in section 524.1305,  
38 21 subsections 4, 5, and 6.

38 22 6. Upon completion of all the requirements of this  
38 23 section, the state bank shall deliver to the superintendent  
38 24 articles of intent to be subject to chapter 490 or 490A,  
38 25 together with the applicable filing and recording fees, which  
38 26 shall set forth that the state bank has complied with this  
38 27 section, that it has ceased to carry on the business of  
38 28 banking, and the information required by section 490.202  
38 29 relative to the contents of articles of incorporation under  
38 30 chapter 490, or article of organization under chapter 490A.  
38 31 If the superintendent finds that the state bank has complied  
38 32 with this section and that the articles of intent to be  
38 33 subject to chapter 490 or 490A satisfy the requirements of  
38 34 this section, the superintendent shall deliver them to the  
38 35 secretary of state for filing and recording in the secretary  
39 1 of state's office, and ~~they the superintendent shall be filed~~  
39 2 file and recorded record them in the office of the county  
39 3 recorder.

39 4 Sec. 112. Section 524.1402, subsections 5 and 6, Code  
39 5 2005, are amended to read as follows:

39 6 5. Within thirty days after the date of the ~~second~~  
39 7 publication of the notice required under subsection 4, any  
39 8 interested person may submit to the superintendent written  
39 9 comments and data on the application. Comments challenging  
39 10 the legality of an application shall be submitted separately  
39 11 in writing. The superintendent may extend the thirty=day

39 12 comment period if, in the superintendent's judgment,  
39 13 extenuating circumstances exist.  
39 14 6. Within thirty days after the date of the ~~second~~  
39 15 publication of the notice required under subsection 4, any  
39 16 interested person may submit to the superintendent a written  
39 17 request for a hearing on the application. The request shall  
39 18 state the nature of the issues or facts to be presented and  
39 19 the reasons why written submissions would be insufficient to  
39 20 make an adequate presentation to the superintendent. If the  
39 21 reasons are related to factual disputes, the disputes shall be  
39 22 described. Written requests for hearings shall be evaluated  
39 23 by the superintendent, who may grant or deny such requests in  
39 24 whole or in part. A hearing request shall generally be  
39 25 granted only if it is determined that written submissions  
39 26 would be inadequate or that a hearing would otherwise be  
39 27 beneficial to the decision-making process. A hearing may be  
39 28 limited to issues considered material by the superintendent.  
39 29 Sec. 113. Section 535.8, subsection 2, paragraph b,  
39 30 unnumbered paragraph 3, Code 2005, is amended to read as  
39 31 follows:

39 32 The collection of any costs other than as expressly  
39 33 permitted by this paragraph "b" is prohibited. However,  
39 34 additional costs incurred in connection with a loan under this  
39 35 paragraph "b", if bona fide and reasonable, may be collected  
40 1 by a state-chartered financial institution licensed under  
40 2 chapter 524, 533, or 534, to the extent permitted under  
40 3 applicable federal law as determined by the office of the  
40 4 comptroller of the currency of the United States department of  
40 5 treasury, the national credit union administration, or the  
40 6 office of thrift supervision of the United States department  
40 7 of treasury. Such costs shall apply only to the same type of  
40 8 state-chartered entity as the federally chartered entity  
40 9 affected and shall apply to and may be collected by an insurer  
40 10 organized under chapter 508 or 515, or otherwise authorized to  
40 11 conduct the business of insurance in this state.

40 12 Sec. 114. Section 535.8, subsection 2, paragraph b, Code  
40 13 2005, is amended by adding the following new unnumbered  
40 14 paragraph:

40 15 NEW UNNUMBERED PARAGRAPH. Nothing in this section shall be  
40 16 construed to change the prohibition against the sale of title  
40 17 insurance or sale of insurance against loss or damage by  
40 18 reason of defective title or encumbrances as provided in  
40 19 section 515.48, subsection 10.

40 20 Sec. 115. Section 546.10, subsection 1, Code 2005, is  
40 21 amended by adding the following new paragraph:

40 22 NEW PARAGRAPH. f. The real estate appraiser examining  
40 23 board created pursuant to section 543D.4.

40 24 Sec. 116. Section 551A.9, subsection 3, paragraph e, Code  
40 25 2005, is amended to read as follows:

40 26 e. Misrepresent the amount of profits, net or gross, which  
40 27 the ~~business opportunity~~ purchaser can expect from the  
40 28 operation of the business opportunity.

40 29 Sec. 117. Section 602.8102, subsection 135A, Code 2005, is  
40 30 amended to read as follows:

40 31 135A. Assess the surcharges provided by sections 911.1,  
40 32 911.2, 911.3, and 911.4.

40 33 Sec. 118. Section 714.22, unnumbered paragraph 1, Code  
40 34 2005, is amended to read as follows:

40 35 The provisions of sections 714.17 ~~to 714.22~~ through 714.21  
41 1 shall not apply to trade or vocational schools if they meet  
41 2 either of the following conditions:

41 3 Sec. 119. Section 814.11, subsection 7, Code 2005, is  
41 4 amended to read as follows:

41 5 7. An attorney appointed under this section is not liable  
41 6 to a person represented by the attorney for damages as a  
41 7 result of a conviction in a criminal case unless the court  
41 8 determines in a postconviction proceeding or on direct appeal  
41 9 that the person's conviction resulted from ineffective  
41 10 assistance of counsel, and the ineffective assistance of  
41 11 counsel is the proximate cause of the damage. In juvenile or  
41 12 civil proceedings, an attorney appointed under this section is  
41 13 not liable to a person represented by the attorney for damages  
41 14 unless it has been determined that the attorney has provided  
41 15 ineffective assistance of counsel and the ineffective  
41 16 assistance of counsel ~~claim~~ is the proximate cause of the  
41 17 damage.

41 18 Sec. 120. Section 815.10, subsection 6, Code 2005, is  
41 19 amended to read as follows:

41 20 6. An attorney appointed under this section is not liable  
41 21 to a person represented by the attorney for damages as a  
41 22 result of a conviction in a criminal case unless the court

41 23 determines in a postconviction proceeding or on direct appeal  
41 24 that the person's conviction resulted from ineffective  
41 25 assistance of counsel, and the ineffective assistance of  
41 26 counsel is the proximate cause of the damage. In juvenile or  
41 27 civil proceedings, an attorney appointed under this section is  
41 28 not liable to a person represented by the attorney for damages  
41 29 unless it has been determined that the attorney has provided  
41 30 ineffective assistance of counsel, and the ineffective  
41 31 assistance of counsel ~~claim~~ is the proximate cause of the  
41 32 damage.

41 33 Sec. 121. 2002 Iowa Acts, chapter 1111, section 36, is  
41 34 repealed.

41 35 Sec. 122. 2004 Iowa Acts, chapter 1049, section 81, the  
42 1 portion enacting section 504.810, subsection 1, paragraph a,  
42 2 is amended to read as follows:

42 3 a. A director engaged in fraudulent conduct with respect  
42 4 to the corporation or its members, grossly abused the position  
42 5 of director, or intentionally inflicted harm on the  
42 6 corporation.

42 7 Sec. 123. 2004 Iowa Acts, chapter 1049, section 101, the  
42 8 portion enacting section 504.851, subsection 6, paragraph b,  
42 9 is amended to read as follows:

42 10 b. When used with respect to an officer, as contemplated  
42 11 in section 504.857, the office in a corporation held by the  
42 12 officer. "Official capacity" does not include service for any  
42 13 other foreign or domestic business or nonprofit corporation or  
42 14 any partnership, joint venture, trust, employee benefit plan,  
42 15 or other entity.

42 16 Sec. 124. 2004 Iowa Acts, chapter 1161, is amended by  
42 17 adding the following new section:

42 18 SEC. 62A. Section 502.701, subsection 1, Code 2003, is  
42 19 amended to read as follows:

42 20 1. A joint investment trust organized pursuant to chapter  
42 21 28E for the purposes of joint investment of public funds is  
42 22 subject to the jurisdiction and authority of the  
42 23 administrator, including all requirements of this chapter,  
42 24 except the registration provisions of sections ~~502.201~~ 502.301  
42 25 and ~~502.210~~ 502.321.

42 26 Sec. 125. Sections 101.28, 163.13, 163.22, and 266.32,  
42 27 Code 2005, are repealed.

42 28 Sec. 126. EFFECTIVE DATES AND RETROACTIVE APPLICABILITY.

42 29 1. The section of this Act amending section 22.1,  
42 30 subsection 3, is retroactively applicable to July 1, 2004, and  
42 31 is applicable on and after that date.

42 32 2. The section of this Act repealing 2002 Iowa Acts,  
42 33 chapter 1111, section 36, takes effect upon enactment and  
42 34 applies retroactively to June 30, 2004.

42 35 3. The section of this Act amending 2004 Acts, chapter  
43 1 1049, section 81, takes effect upon enactment and applies  
43 2 retroactively to July 1, 2004.

43 3 4. The section of this Act amending 2004 Iowa Acts,  
43 4 chapter 1049, section 101, takes effect upon enactment and  
43 5 applies retroactively to July 1, 2004.

43 6 5. The section of this Act amending 2004 Iowa Acts,  
43 7 chapter 1161, takes effect upon enactment and applies  
43 8 retroactively to January 1, 2005.

#### 43 9 EXPLANATION

43 10 This bill contains statutory corrections that adjust  
43 11 language to reflect current practices, insert earlier  
43 12 omissions, delete redundancies and inaccuracies, delete  
43 13 temporary language, resolve inconsistencies and conflicts,  
43 14 update ongoing provisions, or remove ambiguities. The Code  
43 15 sections amended include all of the following:

43 16 Code section 2B.5: Strikes an obsolete reference to the  
43 17 office of secretary of state in language pertaining to the  
43 18 updating and publication of the state roster by the Iowa  
43 19 administrative code office. Iowa administrative code office  
43 20 staff independently maintains and updates the state roster,  
43 21 but had compared the roster contents to the lists of state  
43 22 officials and offices contained in the publication of the Iowa  
43 23 official register. The responsibility for production of the  
43 24 Iowa official register was transferred from the office of  
43 25 secretary of state to the legislative services agency in 2003  
43 26 Iowa Acts, chapter 35, sections 5, 21, and 47.

43 27 Code section 2B.12: Adds in a reference to the table of  
43 28 corresponding sections to language describing the contents of  
43 29 the Iowa Code or Code Supplement. The table has been a part  
43 30 of the Code and Code Supplements for many years, but the only  
43 31 specific reference to the table was deleted with the repeal of  
43 32 Code section 7A.21 by 2003 Iowa Acts, chapter 35, section 47,  
43 33 and 2003 Iowa Acts, chapter 145, section 291.

43 34 Code section 2B.17: Amends language relating to the proper  
43 35 citations to Acts of the general assembly to include the use  
44 1 of the house or senate file number in lieu of the Acts chapter  
44 2 number. The Iowa Acts chapter numbers and publication are not  
44 3 always available at the point that citation to a particular  
44 4 Act may be necessary, such as but not limited to references to  
44 5 a particular enactment by the general assembly in a bill under  
44 6 consideration during the same session of the same general  
44 7 assembly. Inclusion of a reference to a file number is also  
44 8 consistent with current legislative bill drafting practice.  
44 9 Code sections 2C.13, 2C.14, and 2C.17: Deletes the word  
44 10 "administrative" where it appears before the term "agency".  
44 11 The term "agency" is a defined term within Code chapter 2C, as  
44 12 is "administrative action", but the term "administrative  
44 13 agency" is not defined. The change conforms the use of the  
44 14 terminology in these Code sections to the Code chapter  
44 15 definitions and the scope of authority provided for the  
44 16 citizens' aide in Code sections 2C.7, 2C.9, 2C.10, 2C.11, and  
44 17 other provisions within Code chapter 2C.  
44 18 Code section 3.3: Conforms language relating to placement  
44 19 of headnotes and historical references to current bill  
44 20 drafting and codification practices. Currently, headnotes  
44 21 appear both in bill sections and in Code sections and  
44 22 historical references appear after Code sections only.  
44 23 Code section 7A.27: Removes a reference to supplements to  
44 24 the Iowa administrative code and clarifies that official legal  
44 25 publications produced under the authority of Code chapter 2B  
44 26 and listed in Code section 2A.5 are outside of the scope of  
44 27 this provision pertaining to distribution of certain  
44 28 publications by the department of administrative services.  
44 29 The distribution of official legal publications produced by  
44 30 offices within the legislative services agency was made the  
44 31 responsibility of the legislative services agency in 2003 Iowa  
44 32 Acts, chapter 35.  
44 33 Code sections 8A.205, 22.7, and 331.506: Substitutes "an  
44 34 electronic" for a reference to "a digital" signature in  
44 35 language that relates to the disclosure of private keys and  
45 1 refers to technologies provided in Code chapter 554D. The  
45 2 term "digital signature" was stricken from Code chapter 554D  
45 3 by 2004 Iowa Acts, chapter 1067, section 2. The term  
45 4 "electronic signature" remains a defined term in chapter 554D.  
45 5 Code section 8A.316: Updates language relating to the  
45 6 procedures and specifications of the department of  
45 7 administrative services that pertain to the purchase of  
45 8 certain oils to reflect the reorganization of the department  
45 9 in 2003 Iowa Acts, chapter 145, and the recodification of  
45 10 provisions reassigning to the department certain  
45 11 responsibilities previously performed by the former department  
45 12 of general services.  
45 13 Code section 9E.12: Updates, in language relating to  
45 14 certificates of notarial acts on instruments that are to be  
45 15 recorded, a citation to Code language containing the  
45 16 formatting standards applicable to those types of documents.  
45 17 2004 Iowa Acts, chapter 1069, sections 2 and 3, struck the  
45 18 language in Code section 331.602, subsection 1, that pertained  
45 19 to formatting standards and enacted new language pertaining to  
45 20 the same subject matter in Code section 331.606B.  
45 21 Code section 12.82: Corrects an internal reference, in the  
45 22 school infrastructure bonding law, to the bond reserve fund  
45 23 requirement which is contained in paragraph "c", not paragraph  
45 24 "a".  
45 25 Code sections 13B.9, 814.11, and 815.10: Strikes the word  
45 26 "claim" to clarify that the "ineffective assistance of  
45 27 counsel", and not the "claim", is the proximate cause of the  
45 28 juvenile or civil claimant's damage. The change conforms the  
45 29 language to similar language relating to ineffective  
45 30 assistance of counsel in criminal cases on postconviction or  
45 31 on direct appeal.  
45 32 Code section 15.331C: Conforms language pertaining to  
45 33 corporate tax credits for certain sales taxes paid by third=  
45 34 party developers to language that was altered in a similar  
45 35 manner in Code section 15.331A by 2003 Iowa Acts, 1st  
46 1 Extraordinary Session, chapter 2, section 152. The 2003 Act  
46 2 struck sales and use tax provisions from Code chapter 422 and  
46 3 recodified the provisions in Code chapter 423 effective July  
46 4 1, 2004.  
46 5 Code section 22.1: Reinserts an unnumbered paragraph that  
46 6 was dropped from subsection 3 due to a drafting problem in  
46 7 2004 Iowa Acts, chapter 1019, section 2. The 2004 Act  
46 8 purported to amend subsection 3 of this Code section in its  
46 9 entirety, but omitted this paragraph. From the context of the

46 10 Act, the Act title, and explanation that appeared with the  
46 11 bill during the process of enactment, it does not appear that  
46 12 the paragraph was dropped intentionally.

46 13 Code section 28M.3: Conforms, by adding the word "and",  
46 14 language contained in a series describing the items for which  
46 15 a regional transit district may issue general obligation bonds  
46 16 to similar language which appears in the first sentence of the  
46 17 same paragraph.

46 18 Code sections 48A.11, 48A.25A, and 48A.38: Conforms  
46 19 language relating to driver's license information appearing on  
46 20 voter registration applications to similar changes made by  
46 21 2004 Iowa Acts, chapter 1083, sections 6 through 13, and  
46 22 section 19, by adding the word "Iowa" before the words  
46 23 "driver's license" and accounting for the possibility that  
46 24 only the last four numerals of a registrant's social security  
46 25 number are now required to be provided on a voter's  
46 26 application form.

46 27 Code sections 50.20, 50.22, 53.23, 53.24, and 53.31:  
46 28 Changes references to the term "special ballots" and one  
46 29 reference to the term "challenged ballots" in voter  
46 30 registration provisions to refer to the term "provisional  
46 31 ballots" to conform these provisions to changes made by 2004  
46 32 Iowa Acts, chapter 1083.

46 33 Code section 85.34: Designates an unnumbered paragraph at  
46 34 the end of subsection 2 as lettered paragraph "v" to eliminate  
46 35 technical drafting and codification issues in a provision  
47 1 relating to workers' compensation for permanent disabilities,  
47 2 and updates a reference to "said schedule" to clarify that the  
47 3 schedule is the compensation schedule specified in paragraphs  
47 4 "a" through "t". The addition of references to paragraphs "a"  
47 5 through "t" conforms the language to a similar reference in  
47 6 paragraph "u".

47 7 Code section 97.51: Substitutes the word "system" for the  
47 8 word "department" in provisions relating to investment and use  
47 9 of funds by the Iowa public employees' retirement system and  
47 10 makes references to the "system" consistent throughout the  
47 11 Code section. The changes are consistent with the changes  
47 12 made throughout Code chapters 97, 97A, and 97B by 2003 Iowa  
47 13 Acts, chapter 145.

47 14 Code section 97B.49C: Changes the word "and" to "or" in  
47 15 language describing the types of membership and service  
47 16 qualifying an individual for benefits under the Iowa public  
47 17 employees' retirement system. Service as either a sheriff or  
47 18 deputy sheriff is service that qualifies an individual as  
47 19 eligible for benefits under Code chapter 97B.

47 20 Code section 99B.7: Clarifies that the seven consecutive  
47 21 calendar days of the specified period limitation applies to  
47 22 gatherings or sessions at which successive bingo games are  
47 23 played. The change is consistent with other uses of the  
47 24 defined term "bingo occasion" in conjunction with time  
47 25 limitations elsewhere in the Code section.

47 26 Code section 99D.24: Substitutes for the term "betting  
47 27 enclosure" the defined term "wagering area" in a provision  
47 28 relating to pari-mutuel wagering. The defined term "wagering  
47 29 area" was added to Code section 99D.2 by 2004 Iowa Acts,  
47 30 chapter 1136, section 2, and refers to that portion of a  
47 31 racetrack in which a licensee may receive wagers of money from  
47 32 a person present in a licensed racing enclosure on a horse or  
47 33 dog in a race selected by the person making the wager as  
47 34 designated by the commission. The term "betting enclosure" is  
47 35 not defined in Code chapter 99D.

48 1 Code section 135.144: Substitutes the word "unencumbered"  
48 2 for "encumbered" funds in language relating the provision of  
48 3 financial assistance by the department of public health. This  
48 4 is consistent with language in the sentence that immediately  
48 5 precedes the sentence in which this substitution is made and  
48 6 consistent with the notion that "encumbered" funds would  
48 7 already have been dedicated to some other use.

48 8 Code section 136A.5: Changes the words "the parent" to "a  
48 9 parent" in language relating to when congenital and inherited  
48 10 disorders screening is not permitted. The next sentence in  
48 11 the Code section states that if a parent objects, the refusal  
48 12 is to be documented.

48 13 Code section 166.1: Strikes a reference to the biological  
48 14 laboratory at the Iowa state university of science and  
48 15 technology from the definition of "manufacturer" in the hog=  
48 16 cholera virus and serum Code chapter. Code sections 266.24  
48 17 through 266.26, establishing the hog=cholera serum laboratory  
48 18 at the Iowa state university of science and technology, were  
48 19 stricken by 2003 Iowa Acts, chapter 179, section 143.

48 20 Code section 174.15: Clarifies grammar and punctuation in

48 21 a series of phrases relating to the purchase and management of  
48 22 buildings and improvements by county fairs.

48 23 Code section 225C.42: Changes the words "fiscal year" to  
48 24 "period" to be consistent with technical changes made in 2004  
48 25 Iowa Acts, chapter 1116, in subsection 1 and subsection 2,  
48 26 paragraph "a", that converted what had been annual reporting  
48 27 to periodic reporting.

48 28 Code section 235A.15: Substitutes for the words  
48 29 "administrative agency" the words "the department" in language  
48 30 relating to the hearing of an appeal for correction of child  
48 31 abuse report and disposition data as provided in Code section  
48 32 235A.19. Code section 235A.19 specifies that the department  
48 33 of human services is the agency responsible for providing a  
48 34 person who is the subject of a child abuse report with an  
48 35 opportunity for making corrections to data that is in whole or  
49 1 in part erroneous. The term "department" is defined under  
49 2 Code section 235A.13 as meaning the department of human  
49 3 services. The term "administrative agency" is not defined  
49 4 under Code chapter 235A.

49 5 Code section 257.11: Implements the paragraph repeal  
49 6 contained in the text of paragraph "c" of subsection 4 of this  
49 7 Code section. The repealed language pertains to supplemental  
49 8 weighting plans for certain school districts for budget years  
49 9 that have expired.

49 10 Code section 284.12: Deletes references to a two-year  
49 11 legislative interim study committee that was created in 2001  
49 12 by 2001 Iowa Acts, chapter 161, section 23, and that is no  
49 13 longer operational.

49 14 Code section 321.69: Makes grammatical changes in language  
49 15 relating to vehicle damage disclosure statements and  
49 16 substitutes the word "described" for the word "defined" in  
49 17 language pertaining to when damage disclosure is not required  
49 18 for new vehicles.

49 19 Code section 322.10: Updates archaic language relating to  
49 20 the posting of bonds with the clerk in judicial review  
49 21 proceedings relating to administrative actions of the  
49 22 department.

49 23 Code section 331.260: Strikes language referring to Code  
49 24 section 331.247, subsection 4. Code section 331.247,  
49 25 subsection 4, Code 2003, contained a separate ballot  
49 26 requirement that was stricken when that section was amended in  
49 27 2004 Iowa Acts, chapter 1066. The voting majority  
49 28 requirements and effective date provisions for community  
49 29 commonwealth ballot issues are covered in subsections 1 and 2  
49 30 of this Code section, making the reference to 331.247 either  
49 31 redundant or potentially conflicting with the requirements of  
49 32 this Code section.

49 33 Code sections 331.512, 354.4, 354.5, and 354.27: Strikes  
49 34 language relating to the authority to establish a permanent  
49 35 real estate index number system. Code section 441.29 was  
50 1 amended to require such establishment in 2004 Iowa Acts,  
50 2 chapter 1144.

50 3 Code section 354.1: Updates, in language relating to  
50 4 uniform procedures for the platting of land, a citation to  
50 5 Code language containing the formatting standards applicable  
50 6 to recorded documents. 2004 Iowa Acts, chapter 1069, sections  
50 7 2 and 3, struck the language in Code section 331.602,  
50 8 subsection 1, that pertained to formatting standards and  
50 9 enacted new language pertaining to the same subject matter in  
50 10 Code section 331.606B.

50 11 Code section 368.7: Substitutes the word "shall" for the  
50 12 word "may" in language pertaining to the annexation of land  
50 13 that does not, in the context of the paragraphs in which the  
50 14 language appears, appear to leave room for the exercise of  
50 15 discretion on the part of cities.

50 16 Code section 368.25: Corrects internal references relating  
50 17 to plans of annexation that provide for the extension of  
50 18 municipal services. When the amendments made to Code sections  
50 19 368.11 and 368.25 by 2003 Iowa Acts, chapter 148, were  
50 20 codified, Code section 368.11 was renumbered to facilitate the  
50 21 readability of the provision. However, the internal  
50 22 references in Code section 368.25 to what was then new  
50 23 subsection 14 of Code section 368.11 were inadvertently missed  
50 24 in the editing process.

50 25 Code section 421.17: Strikes a reference to "former  
50 26 subsection 29" and substitutes a reference to "section  
50 27 8A.504", in a provision relating to the establishment of a  
50 28 centralized debt collection capability and procedure for the  
50 29 use of state agencies in the department of revenue, to conform  
50 30 to changes made by 2003 Iowa Acts, chapter 145, section 254.

50 31 Code sections 422.7 and 422.35: Eliminates references to

50 32 tax credits allowed for contributions to the endowment fund of  
50 33 the Iowa educational savings plan trust. That fund was  
50 34 eliminated in 2004 Iowa Acts, chapter 1079, section 1.  
50 35 Code section 423.33: Adds a reference to Code section  
51 1 174.1 and conforms the use of the term "fair" to the changes  
51 2 made in Code chapter 174 by 2004 Iowa Acts, chapter 1019, in  
51 3 this language relating to sales and use taxes associated with  
51 4 sales at certain types of events.  
51 5 Code section 441.39: Corrects a printing error made in the  
51 6 1971 Code of Iowa. In the original enactment in 1958 Iowa  
51 7 Acts, chapter 239, section 39, the word "or" was enacted and  
51 8 appeared that same way when it was originally published in the  
51 9 1962 Code of Iowa, and then again in the 1966 Code of Iowa.  
51 10 In the 1971 Code of Iowa publication, a printing problem  
51 11 occurred that is visible in this Code section. When the 1973  
51 12 Code was published, the word had been changed and no  
51 13 intervening legislation had passed to cause the change.  
51 14 Code section 455B.174: Adds the word "system" after  
51 15 certain instances of the term "public water supply" to  
51 16 distinguish between the watershed and the institution and  
51 17 infrastructure responsible for delivery of water to the  
51 18 general public in provisions relating to actions by the  
51 19 department and the local system in response to contamination  
51 20 or the likelihood of contamination by petroleum, crude oil, or  
51 21 related degradation products.  
51 22 Code section 455B.751: Corrects a drafting error that  
51 23 appears to stem from a previous version of this language.  
51 24 This Code section originally appeared in a 2004 bill, Senate  
51 25 File 2230, that was vetoed by the governor. The Code section  
51 26 was redrafted and enacted in 2004 Iowa Acts, chapter 1141,  
51 27 section 75. In the redrafted version of Code section  
51 28 455B.752, persons other than persons holding indicia of title  
51 29 to property or who have acquired property are both identified  
51 30 in the first unnumbered paragraph, not subsections 1 and 2.  
51 31 Code sections 455G.2, 455G.3, 455G.4, 455G.13, 455G.14, and  
51 32 455G.17: Strikes or replaces references to insurance  
51 33 coverage, the underground storage tank insurance fund, and the  
51 34 Iowa underground storage tank insurance board in these  
51 35 provisions. The fund and the board were repealed effective  
52 1 July 1, 2004, pursuant to 1989 Iowa Acts, chapter 131, section  
52 2 61.  
52 3 Code section 488.108: Adds references to the reservation  
52 4 of names provisions in the nonprofit corporation Act enacted  
52 5 in 2004 Iowa Acts, chapter 1049. Code chapter 504 will  
52 6 replace Code chapter 504A as the chapter governing nonprofit  
52 7 corporations effective July 1, 2005, pursuant to 2004 Iowa  
52 8 Acts, chapter 1049.  
52 9 Code section 488.1003: Conforms a provision relating to  
52 10 derivative actions by partners under the uniform limited  
52 11 partnership Act enacted in 2004 Iowa Acts, chapter 1021, to  
52 12 its sister provisions in Code section 487.1002 and a  
52 13 corresponding provision applicable to limited liability  
52 14 companies contained in Code section 490A.1001, subsection 4.  
52 15 Code section 490.850: Adds the word "or" to the definition  
52 16 of the terms "director" and "officer" in the business  
52 17 corporations Code chapter. This conforms the provision to the  
52 18 model business corporation Act definition of the same terms.  
52 19 Code section 501.103: Changes the reporting requirement  
52 20 for closed cooperatives from annual to biennial to conform the  
52 21 provision to the reporting requirements specified in Code  
52 22 sections 10B.4, 10B.7, and 501.713.  
52 23 Code section 502.102: Adds the word "investment" to the  
52 24 term "viatical settlement contract" within the definition of  
52 25 the term "issuer" in the uniform securities Act. This is  
52 26 consistent with use of the defined term "viatical settlement  
52 27 investment contract" in this Code section as rewritten by 2004  
52 28 Iowa Acts, chapter 1161, and consistent with a correction made  
52 29 in 2003 by 2003 Iowa Acts, chapter 44, section 89, that also  
52 30 added the word "investment" to the term "viatical settlement  
52 31 contract" in the predecessor definition of the term "issuer".  
52 32 in former Code section 502.102, subsection 13, paragraph "c".  
52 33 Code section 502.204: Substitutes, in this provision  
52 34 relating to denial, suspension, revocation, condition, or  
52 35 limitation of statutory exemptions from securities  
53 1 registration requirements, for a reference to subsection 8 of  
53 2 Code section 502.201, references to subsections 8A and 8B of  
53 3 that Code section. There is no language at subsection 8 of  
53 4 Code section 502.201, and subsections 8A and 8B were intended  
53 5 as the replacement language in Iowa for the model securities  
53 6 Act language when 2004 Iowa Acts, chapter 1161, was enacted.  
53 7 Code section 502.508: Adds the word "attorney" after the

53 8 word "county" in language relating to who may bring a criminal  
53 9 action under the securities Act. This conforms the language  
53 10 to the model Act which provides that the attorney general or  
53 11 the proper "prosecuting attorney" may bring this type of  
53 12 action.

53 13 Code sections 504.111, 504.141, 504.704, 504.706, 504.713,  
53 14 504.714, 504.822, 504.824, 504.825, 504.833, and 504.835:  
53 15 Substitutes the word "chapter" for "subchapter" in provisions  
53 16 relating to nonprofit corporations and directors and officers  
53 17 of nonprofit corporations. The original model used the term  
53 18 "Act", and the correlating term should have been "chapter",  
53 19 not "subchapter". Code section 504.833 is also amended by  
53 20 striking the words "mutual benefit" corporation. This  
53 21 clarifies the intended general applicability of the provision  
53 22 and conforms it to its sister provision in the business  
53 23 corporation chapter, Code section 490.832.

53 24 Code section 504.142: Replaces the word "shareholder" with  
53 25 the word "member" and changes a reference to an annual report  
53 26 to a reference to a biennial report. Nonprofit corporations  
53 27 are composed of, and rights and liabilities are assigned on  
53 28 the basis of, the concept of "members" and "memberships"  
53 29 instead of "shareholders" and "shares" under Code chapter 504  
53 30 and reporting under the chapter is done on a biennial, not  
53 31 annual, basis.

53 32 Code section 504.202: Changes a citation to Code section  
53 33 504.834 to Code section 504.835 in a provision relating to the  
53 34 articles of incorporation of nonprofit corporations. This  
53 35 conforms this aspect of this provision to the corresponding  
54 1 language in the sister provision applicable to business  
54 2 corporations, Code section 490.202.

54 3 Code sections 504.401 and 504.403: Adds the appropriate  
54 4 references to the new nonprofit corporation Act provision  
54 5 enacted in 2004 Iowa Acts, chapter 1049, that provides for the  
54 6 reservation of a corporate name. Code section 504.401 is also  
54 7 amended by substituting "chapter" for "subchapter" in language  
54 8 relating to the scope of the Code chapter with respect to  
54 9 fictitious names. The original model used the term "Act", and  
54 10 the correlating term should have been "chapter", not  
54 11 "subchapter".

54 12 Code section 504.705: Corrects citations to provisions  
54 13 which specify matters that require approval of the members of  
54 14 a nonprofit corporation in a provision relating to notice  
54 15 required of an annual or regular meeting.

54 16 Code section 504.832: Conforms a paragraph of this Code  
54 17 section to its sister provision in the for-profit corporations  
54 18 Code chapter, Code section 490.831, but replaces the word  
54 19 "shareholder" with the word "member" in another of the  
54 20 paragraphs. With respect to the first change, the  
54 21 corresponding language in Code section 490.831 refers to  
54 22 provisions regarding articles of incorporation and procedures  
54 23 applicable when a director has a conflict of interest which  
54 24 fit with the language of this provision. In the second  
54 25 instance, although Code section 490.831 refers to  
54 26 shareholders, because nonprofit corporations under Code  
54 27 chapter 504 are composed of, and rights and liabilities are  
54 28 assigned on the basis of the concept of, "members" and  
54 29 "memberships" instead of "shareholders" and "shares", the  
54 30 paragraph needs to be conformed to other language in this Code  
54 31 section and Code chapter 504.

54 32 Code section 504.852: Adds in language that was  
54 33 inadvertently dropped in the drafting of 2004 Iowa Acts,  
54 34 chapter 1049. The addition conforms the language to the model  
54 35 language originally provided for the Iowa nonprofit  
55 1 corporation Act.

55 2 Code section 504.856: Deletes the words "mutual benefit"  
55 3 from the term "mutual benefit corporation", making one of the  
55 4 specified circumstances under which special legal counsel is  
55 5 selected, for purposes of making a determination regarding  
55 6 indemnification of expenses of a director who is a party to a  
55 7 civil, criminal, or administrative proceeding or  
55 8 investigation, generally applicable to all nonprofit  
55 9 corporations. This change conforms the language to the  
55 10 corresponding language in Code section 490.855 that is  
55 11 applicable to for-profit corporations.

55 12 Code section 504.857: Replaces the word "shareholders"  
55 13 with the word "members". The corresponding language in Code  
55 14 chapter 490, which applies to for-profit corporations and is  
55 15 contained in Code section 490.856, includes a reference to  
55 16 shareholders, but nonprofit corporations are composed of, and  
55 17 rights and liabilities are assigned on the basis of, the  
55 18 concept of "members" and "memberships" instead of

55 19 "shareholders" and "shares" under Code section 504.141 and the  
55 20 balance of Code chapter 504.

55 21 Code section 504.901: Changes an internal reference within  
55 22 the provision describing when a director, officer, member, or  
55 23 other volunteer for a nonprofit corporation is personally  
55 24 liable for action or inaction on the part of that person, from  
55 25 a reference to a provision governing conduct by a corporation  
55 26 to a reference to a provision describing the circumstances  
55 27 under which a director is personally liable to the corporation  
55 28 for unlawful distributions. The change conforms the reference  
55 29 to a provision containing almost identical language found in  
55 30 Code section 490A.707, which applies to limited liability  
55 31 companies.

55 32 Code section 504.1008: Adds commas to a series to clarify  
55 33 the meaning of a provision describing the effect of an  
55 34 amendment to articles of incorporation on causes of action,  
55 35 proceedings, or existing rights of persons other than members.  
56 1 The amendment conforms the provision to a similar provision,  
56 2 Code section 490.1009, that applies to for-profit  
56 3 corporations.

56 4 Code section 504.1101: Adds the word "business" before the  
56 5 word "corporation" to clarify the meaning of the subsection  
56 6 and to distinguish the term from the term "nonprofit  
56 7 corporation". The change is consistent with other uses of  
56 8 terms within the subchapter XI that relates to merger of  
56 9 nonprofit corporations with other entities.

56 10 Code section 504.1102: Substitutes the word "entity" for  
56 11 the word "corporation" to account for the possibility of  
56 12 merger of a public benefit or religious corporation into a  
56 13 limited liability company as provided under Code section  
56 14 504.1101. The term "entity" is defined under Code section  
56 15 504.141 to include various forms of corporations, limited  
56 16 liability companies, and other legal entities.

56 17 Code section 523A.402: Conforms this provision to changes  
56 18 made in Code section 523A.401, subsection 6, paragraph "c", in  
56 19 2004 Iowa Acts, chapter 1110, section 64, by adding the word  
56 20 "not" to correct a drafting error. Prior to the changes made  
56 21 in 2004 Iowa Acts, chapter 1110, Code section 523A.401 and  
56 22 this section contained nearly identical provisions that  
56 23 applied to insurance policies and annuities. Other changes  
56 24 made to both provisions were identical.

56 25 Code section 524.310: Changes the word "bank" to  
56 26 "association" to conform this language to language in Code  
56 27 section 524.1416, subsection 2, that refers to this Code  
56 28 section and uses the term "federal savings association".  
56 29 Under 12 U.S.C. } 1813 and 12 U.S.C. } 1464, the term "federal  
56 30 savings association" would include a "federal savings bank".

56 31 Code section 524.1201: Strikes subsection 4 relating to  
56 32 the location of original trust recordkeeping functions in  
56 33 state bank offices. The same language was added to subsection  
56 34 3 of this Code section by 2004 Iowa Acts, chapter 1141,  
56 35 section 26, making this subsection redundant.

57 1 Code sections 524.1303 and 524.1402: Strikes in two  
57 2 subsections the word "second" from before the words  
57 3 "publication of the notice" in provisions relating to  
57 4 prerequisites for voluntary dissolution and mergers of state  
57 5 banks. The requirement for a second publication of notice was  
57 6 stricken from both of these provisions by 2004 Iowa Acts,  
57 7 chapter 1141.

57 8 Code section 524.1309: Corrects an internal reference to  
57 9 Code section 524.1305. Subsection 3 of Code section 524.1305  
57 10 itemizes persons who should receive notice of dissolution from  
57 11 a state bank. Subsections 4, 5, and 6 of that Code section  
57 12 prescribe a procedure for the winding up of the state bank's  
57 13 affairs after approval of a plan of dissolution. A  
57 14 clarification that the superintendent is responsible for the  
57 15 filing and recording of a state bank's articles of intent to  
57 16 be subject to Code chapter 490 or 490A in the office of the  
57 17 county recorder is also made.

57 18 Code section 535.8: Reinstates language contained in the  
57 19 amendments to subsection 2, paragraph "b", of this section  
57 20 that was contained in 2004 Iowa Acts, chapter 1141, section  
57 21 74, but that was not contained in the later enactment, 2004  
57 22 Iowa Acts, chapter 1175, section 262, that amended 2004 Iowa  
57 23 Acts, chapter 1141, section 74.

57 24 Code section 546.10: Adds the real estate appraiser  
57 25 examining board to the list of boards in the professional  
57 26 licensing and regulation division of the department of  
57 27 commerce enumerated in subsection 1. Code section 543D.4  
57 28 provides that the real estate appraiser examining board is  
57 29 part of the professional licensing and regulation division and

57 30 subsection 5 of this section provides for the disposition of  
57 31 fees collected under Code chapter 543D.

57 32 Code section 551A.9: Deletes the redundant words "business  
57 33 opportunity" from the term "business opportunity purchaser" to  
57 34 conform the manner in which a purchaser of a business  
57 35 opportunity is referred to in this subsection to other  
58 1 language of this Code section. The term "purchaser" is  
58 2 defined in Code section 551A.1 to mean the purchaser of a  
58 3 business opportunity promotion or a person to whom such an  
58 4 offer to purchase is directed. 2004 Iowa Acts, chapter 1104,  
58 5 section 28, amended two other paragraphs in language that was  
58 6 transferred to and became this Code section to also delete the  
58 7 words "business opportunity" where it appeared before the term  
58 8 "purchaser".

58 9 Code section 602.8102, subsection 135A: Adds Code section  
58 10 911.1 to the list of Code sections that provide for the  
58 11 assessment of the surcharge added to criminal penalties by the  
58 12 clerk of the district court. The language relating to the  
58 13 assessment of the surcharge contained in Code section 911.1  
58 14 was contained in Code section 911.2 prior to the amendments  
58 15 made in 2004 Iowa Acts, chapter 1111, and would have been  
58 16 included in the Code section 911.2 reference in this  
58 17 subsection of this Code section prior to the 2004 amendments.  
58 18 Code section 911.1 also specifically provides for the  
58 19 assessment of the surcharge by the clerk of the district  
58 20 court.

58 21 Code section 714.22: Updates references to Code sections  
58 22 that do not apply to trade or vocational schools if they meet  
58 23 certain conditions by replacing the word "to" with the word  
58 24 "through" and eliminates the self-reference contained in the  
58 25 citation string. Including the self-reference to Code section  
58 26 714.22 is not logical given the language and apparent purpose  
58 27 of Code section 714.22.

58 28 2002 Iowa Acts, chapter 1111, section 36: Repeals a July  
58 29 1, 2004, repeal of language that had been contained in Code  
58 30 section 508.38, subsection 3, paragraph "a", prior to the 2003  
58 31 Iowa Acts, chapter 91, section 10, strike and rewrite of all  
58 32 of subsection 3. Because the language that was to be repealed  
58 33 no longer existed, this repeal was made moot by the 2003  
58 34 amendments. The repeal of the repeal is retroactive to June  
58 35 30, 2004.

59 1 2004 Iowa Acts, chapter 1049, section 81: Adds a comma to,  
59 2 effective July 1, 2004, retroactively correct a clerical error  
59 3 in this provision and conform the original enactment of this  
59 4 provision within the revised nonprofit corporation Act to the  
59 5 model Act language.

59 6 2004 Iowa Acts, chapter 1049, section 101: Amends this Act  
59 7 by adding a comma into a series of entities for which service  
59 8 does not constitute official capacity for purposes of  
59 9 indemnification for expenses incurred by an officer in various  
59 10 types of proceedings. The amendment conforms the Act to  
59 11 language contained in the model nonprofit corporation Act and  
59 12 is made retroactive to July 1, 2004.

59 13 2004 Iowa Acts, chapter 1161: Adds a new provision to the  
59 14 securities legislation from the 2004 legislative session to  
59 15 update two internal references that were not corrected in the  
59 16 legislation.

#### 59 17 REPEALS

59 18 Code section 101.28: This section is repealed due to the  
59 19 2004 repeal of Code section 455G.11, which was the sole  
59 20 authority for the state fire marshal to conduct these  
59 21 inspections of underground storage tanks and charge the  
59 22 corresponding fee.

59 23 Code section 163.13: This section is repealed because the  
59 24 provision was made redundant by the amendments contained in  
59 25 2004 Iowa Acts, chapter 1163, section 5. That section of the  
59 26 2004 Acts moved the content of this Code section to Code  
59 27 section 163.12.

59 28 Code section 163.22: This provision is repealed as  
59 29 obsolete. References to one of the procedures specified in  
59 30 this section were stricken in 2004 Iowa Acts, chapter 1163,  
59 31 and the balance of the procedures have been superseded by the  
59 32 enactment of provisions in Code chapter 165 to provide funding  
59 33 and owner indemnification.

59 34 Code section 266.32: This section is repealed due to the  
59 35 2004 repeal, in 2004 Iowa Acts, chapter 1175, section 283, of  
60 1 Code section 266.31, establishing the meat export research  
60 2 center for which the moneys were to be received by the state  
60 3 board of regents.

60 4 LSB 1054SC 81

60 5 lh:rj/cf/24

